THE

PUBLIC GENERAL ACTS

PASSED IN THE

THIRTY-NINTH AND FORTIETH YEARS

OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA;

BEING THE

THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND:

WITH

AN INDEX,

AND

TABLES SHOWING THE EFFECT OF THE YEAR'S LEGISLATION.

LONDON:
PRINTED BY GEORGE EDWARD EYRE AND WILLIAM SPOTTISWOODE,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1876.

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A TABLE

OF

ALL THE STATUTES PASSED IN THE THIRD SESSION OF THE TWENTY-FIRST PARLIAMENT OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND.

39 & 40 VICTORIA.—A.D. 1876.

PUBLIC GENERAL ACTS.

1. AN Act to raise the sum of Four million and eighty thousand pounds by Exchequer Bonds.

2. An Act to apply the sum of Four million and eighty thousand pounds out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-six.

3. An Act to extend the Time for the Epping Forest Commissioners to make their Final Report.

4. An Act to apply certain sums out of the Consolidated Fund to the service of the years ending the thirty-first day of March one thousand eight hundred and seventy-five, one thousand eight hundred and seventy-six, and one thousand eight hundred and seventy-seven.

5. An Act for enabling a further Sum to be raised for the purposes of the Telegraph Acts, 1868 to 1870.

6. An Act to amend the Law relating to the Stamping of Policies of Sea Insurance.

7. An Act to amend the Law relating to certain Appointments to the Council of India.

8. An Act for punishing Mutiny and Desertion, and for the better payment of the Army and their Quarters.

9. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

10. An Act to enable Her most Gracious Majesty to make an addition to the Royal Style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies.

11. An Act to amend the Act of the Seventh and Eighth Years of Her Majesty, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland.

12. An Act to assimilate the Law of Scotland to that of England respecting the creation of Burgesses.

13. An Act to prevent the Administration of Poisonous Drugs to Horses and other Animals.

14. An Act to extend the provisions of the Exchequer and Audit Departments Act, 1866, to the Accounts of the Commissioners for the Government of the Royal Hospital at Chelsea.

15. An Act to apply the sum of Eleven million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-seven.

16. An Act to grant and alter certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue.

17. An Act to amend the Partition Act, 1868.

18. An Act to incorporate the Solicitor for the affairs of Her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of Her Majesty.

19. An Act to amend the Law relating to Salmon Fisheries in England and Wales.

20. An Act to facilitate the Revision of the Statute Law by substituting in certain Acts, incorporating Enactments which have been otherwise repealed, a reference to recent Enactments still in force.

21. An Act to amend the Laws relating to the Qualification of Jurors in Ireland.

22. An Act to amend the Trade Union Act, 1871.

23. An Act to amend the Prevention of Crimes Act, 1871.

24. An Act for the Relief of the Executors of Testates in Scotland where the Personal Estate is of small Value.

25. An Act to amend the Law in Scotland in regard to the division of Burghs into Wards.

26. An Act to assimilate the Law of Scotland relating to the granting of Licenses to sell intoxicating Liquors to the Law of England.

27. An Act to authorise the Reduction of Local Light Dues.

28. An Act to amend the Court of Admiralty (Ireland) Act, 1867, and confer a more extended Admiralty Jurisdiction on the Recorders of Cork and Belfast.

29. An Act for the Preservation of Wild Fowl.

30. An Act to amend the Settled Estates Act of 1856.

31. An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners, and to amend the Public Works Loans Act, 1875.

32. An Act to amend the Friendly Societies Act, 1875.

33. An Act for the Amendment of the Trade Marks Registration Act, 1875.

34. An Act to amend the Law relating to Elver Fishing.

35. An Act for consolidating the Duties of Customs.

36. An Act to consolidate the Customs Laws.

37. An Act to assimilate the Law in Ireland to the Law in England as to quieting Possessions and Titles against the Crown.

38. An Act to extend the Limits of Age up to which, with the assent of Boards of Guardians, orphan and deserted pauper Children may be supported out of Workhouses in Ireland.

39. An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith.

40. An Act for enabling legally qualified Medical Practitioners to hold certain public Medical Appointments, and for amending the Medical Act.

41. An Act to remove Restrictions on the granting of Qualifications for Registration under the Medical Act on the ground of Sex.

42. An Act to amend the Law respecting certain Returns from Convict Prisons.

43. An Act to make provision respecting the Superannuation Allowances or Pensions of Persons employed in the Service of Her Majesty in the Government of the Isle of Man.

44. An Act to amend the Law relating to Legal Practitioners in Ireland.

45. An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.

46. An Act for more effectually punishing Offences against the Laws relating to the Slave Trade.

47. An Act to make provision for the Government of the Islands of Saint Vincent, Tobago, and Grenada, and their Dependencies.

48. An Act to amend the Law with reference to Bankers' Books Evidence.

49. An Act to make provision for lighting Burghs in Scotland with Gas.

50. An Act to amend the Law for the Relief of the Poor in Ireland in respect to rating and chargeability on Poor Law Unions.

51. An Act to amend the Acts relating to Cattle Disease in Ireland.

52. An Act to amend the Law respecting the Powers and Duties vested in the Barrister appointed to certify the Rules of Savings Banks.

53. An Act to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy Climates.

54. An Act to provide for the Foundation of a new Bishopric out of a part of the diocese of Exeter.

55. An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto.

56. An Act for facilitating the regulation and improvement of Commons, and for amending the Acts relating to the Inclosure of Commons.

57. An Act to amend the Law respecting the holding of Winter Assizes.

58. An Act to amend the Law relating to Parochial Records.

59. An Act for amending the Law in respect of the Appellate Jurisdiction of the House of Lords; and for other purposes.

60. An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-seven, and to appropriate the Supplies granted in this Session of Parliament.

61. An Act to provide for the better arrangement of divided Parishes and other local areas, and to make sundry amendments in the Law relating to the Relief of the Poor in England.

62. An Act to make provision for the Disposal of certain Lands appropriated for the supply of materials for the repair of public and private roads.

63. An Act to render necessary in Ireland a Year's Notice to Quit to determine a Tenancy from Year to Year, and otherwise to amend the Law as to Notices to Quit.

64. An Act to continue for one year the Police (Expenses) Act, 1875.

65. An Act to amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin.

66. An Act to amend the Law relating to Legal Practitioners.

67. An Act for making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown.

68. An Act to amend the Law for the payment of Remuneration and the Grant of Superannuation Allowances and Gratuities to certain persons employed under Her Majesty's Principal Secretary of State for the War Department and Her Majesty's Postmaster General.

69. An Act to continue various expiring Laws.

70. An Act to alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto.

71. An Act to amend the Laws relating to the Jurisdiction of Chairmen of Quarter Sessions in Ireland.

72. An Act to suspend for a limited period the holding of an Election of a Member or Members to serve in Parliament for the City of Norwich, and to disfranchise certain voters for the said City, and also certain voters for the Borough of Boston.

73. An Act to amend the Pensions Commutation Act, 1871.

74. An Act for amending so much of the Agricultural Holdings (England) Act, 1875, as relates to the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy.

75. An Act for making further Provision for the Prevention of the Pollution of Rivers.

76. An Act to extend the privileges of Municipal Corporations in Ireland.

77. An Act to amend the Law relating to Cruelty to Animals.

78. An Act to amend the Procedure connected with Trial by Jury in Ireland.

79. An Act to make further provision for Elementary Education.

80. An Act to amend the Merchant Shipping Acts.

81. An Act for amending the Law relating to Crossed Cheques.

The Acts contained in the following List, being PUBLIC ACTS of a Local Character, are placed amongst the LOCAL AND PERSONAL ACTS.

i. An Act to render valid Marriages heretofore solemnised in the Chapel of Ease of Saint James in the parish of Buxton in the county of Derby.

ii. An Act to confirm two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

iii. An Act to enable Her Majesty's Postmaster General to acquire a site for the extension of the Manchester General Post Office.

iv. An Act to amend the Act for making regulations as to the Office of Clerk of the Peace for the County Palatine of Lancaster.

viii. An Act to confirm two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

xiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Arundel, the District of Bacup, the Rural Sanitary District of the Caistor Union, the City of Carlisle, the District of Milton-next-Sittingborne, the Borough of Northampton, and the District of Toxteth Park.

xiv. An Act to confirm certain Provisional Orders made by the Local Government Board under the Poor Law Amendment Act, 1867, with reference to the Townships of Cumberworth and Cumberworth-Half, in the West Riding of the county of York, and the borough of King's Lynn, in the county of Norfolk.

xv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Blackburn, and to the Districts of Downham Market, Melksham, Milnrow, and Saint Hellen's.

xvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Briton Ferry and Clayton, the Rural Sanitary District of the Coventry Union, the Borough of Nottingham (two), and the Districts of Oystermouth and Ripley.

xvii. An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the District of Skelmersdale, in the county of Lancaster.

xviii. An Act for vesting Poolbeg Lighthouse in the Dublin Port and Docks Board; and for other purposes relating thereto.

xl. An Act for confirming certain Provisional Orders made by the Board of Trade under The General Pier and Harbour Act, 1861, relating to Aldborough, Cattewater, Gardenstown, and Llandudno.

xli. An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870 relating to Brentford Gas, North Middlesex Gas, North Ormesby Gas, Retford Gas, Risca and Pontymister Gas, Saint Anne's-on-the Sea Gas, Tottenham and Edmonton Gas, Worksop Gas, Chiltern Hills Spring Water, Flamborough Water, Stockport District Water, Wisbech Water, and Clacton-on-Sea Gas and Water.

xlii. An Act for confirming a Provisional Order made by the Board of Trade under The Tramways Act, 1870, relating to Wantage Tramways.

xliii. An Act to facilitate the assembling and training of certain Army Corps.

xliv. An Act for remedying certain defects in the constitution of the District of All Saints, Moss, in the County and Diocese of York.

xxxvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Aberavon, Andover, Brighton, and Burnley, the Districts of Merthyr Tydvil and Pensarn, the Rural Sanitary District of the Tadcaster Union, and the Borough of Truro.

xci. An Act to confirm an Order made by the Board of Trade under The Sea Fisheries Act, 1868, relating to Truro.

xcii. An Act for confirming certain Provisional Orders made by the Board of Trade under the Gas and Water Works Facilities Act, 1870, relating to Chapel-en-le-Frith Gas, Cromer Gas, Hythe and Sandgate Gas, Poole Gas, Neath Water, Newbury Water, Wantage Water, Connah's Quay Gas and Water, and Flint Gas and Water.

xciii. An Act to amend the Law relating to Coroners in the County of the City of Dublin.

xciv. An Act to confirm a Provisional Order made under the "Public Health (Scotland) Act, 1867," relating to the parish of Wemyss, in the county of Fife.

xcv. An Act further to amend the Acts relating to Kingstown Harbour.

xcvi. An Act to authorise the sale of Smithfield Penitentiary Convict Prison, Dublin.

xcvii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the City of Bristol, the District of Burslem, the Borough of Huntingdon (two), the District of Newton-in-Mackerfield, and the Boroughs of Preston and Ryde.

xcviii. An Act to enable the Great Southern and Western Railway Company and the Dublin, Wicklow, and Wexford Railway Company to purchase the Waterford, New Ross, and Wexford Junction Railway from the Public Works Loan Commissioners; and to raise Money for such purpose.

cl. An Act for confirming certain Provisional Orders made by the Board of Trade under The Tramways Act, 1870, relating to Bristol Tramways, Corsham Tramways, Landport, Southsea, and Portsea Tramways, Shepherd's Bush and Priory Road Acton Tramway, and Southport Tramways.

cli. An Act to preserve the Crab and Lobster Fisheries on the Coast of Norfolk.

lii. An Act to alter the Justiciary District of the County of Peebles.

liii. An Act to confirm certain Provisional Orders made by the Education Department under "The Elementary Education Act, 1870," to enable the School Boards for Hailsham, Ilchester, Ingham, Slaugham, Swansea (United District), and Swansea Parish, Higher and Lower, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

cliv. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Hornsey to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

clv. An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to the Township of Dalkey, the Galway Union, the City of Londonderry, the Newtownards United Burial Grounds District, the Omagh Waterworks, and to the Wexford Waterworks.

clvi. An Act to confirm a Scheme under the Metropolitan Commons Act, 1866, and the Metropolitan Commons Amendment Act, 1869 relating to Barnes Common.

clvii. An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Paisley.

clviii. An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Perth.

clix. An Act to confirm a Provisional Order made under the "Public Health (Scotland) Act, 1867," relating to the burgh of Irvine and parish of Dundonald, in the county of Ayr.

clx. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Tolleshunt Major, in the county of Essex, to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

clxi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the borough of Carnarvon, and the Districts of Long Eaton, Saint Neots, Shepton Mallet, Tenbury Wells, Tunbridge Wells, Walton-on-the-Naze, Withington, and Whitwood.

clxii. An Act for confirming certain Provisional Orders of the Local Government Board for Ireland relating to Waterworks in the Towns of Coleraine, Dungannon, Keady, Portrush, and Waterford.

clxiii. An Act to confirm a Provisional Order under "The General Police and Improvement (Scotland) Act, 1862," relating to the Burgh of Lerwick.

cxcvii. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for Cardiff to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

cxcviii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Improvement Act District of Bingley (two), the Borough of Brighton, the Districts of Chatham and Gillingham, the Special Drainage District of Norton, the District of North Bierley, the Borough of Nottingham, the Improvement Act District of Ramsgate, the Borough of Stoke-upon-Trent (two), and the Rural Sanitary District of the Ulverstone Union.

cxcix. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Chelmsford and Merthyr Tydvil, and the Borough of Peterborough (two).

c. An Act to confirm a Provisional Order of one of Her Majesty's Principal Secretaries of State for the improvement of an unhealthy area in the Whitechapel District, and an unhealthy area in the Limehouse District, within the Metropolis.

ci. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Bath and Birmingham, the District of Brentford, the Special Drainage District of Burgess Hill, the Rural Sanitary District of the Caistor Union, the District of Castleford, the Boroughs of Guildford, Hanley, Liverpool, Rochester, and Warwick, and the District of Worthing.

cii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Birmingham, the Rural Sanitary District of the Chesterfield Union, the Districts of Dawlish and Keswick, the Rural Sanitary District of the Leek Union, the Borough of Maidstone, the Districts of Mistley, Moss Side, and Southend, the Rural Sanitary District of the Tadcaster Union, and the Districts of Wallasey and Weston-super-Mare.

cciii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the District of Bilbrough, the Improvement Act Districts of Bournemouth and Cirencester, the Districts of Clay Lane, Eccleshill, Felling, Nelson, and Normanton, the Improvement Act District of Runcorn, and the Districts of Stow-on-the-Wold, Sunderland, and Tormoham.

cciv. An Act to provide for the collection and distribution of certain Assets of a former Savings Bank at Tralee.

cxxxv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Boroughs of Birmingham, Liverpool, Nottingham, and Swansea.

ccxxxvi. An Act for improvement of the Harbour of Ardglass, in the county of Down.

ccxxxvii. An Act for the improvement of the Navigation of the Lough and River Erne.

ccxxxviii. An Act to authorise the acquisition of a site in Bow Street for the erection of a new Police Court and Police Station and Offices.

ccxxxix. An Act to confirm a Provisional Order made by the Education Department under "The Elementary Education Act, 1870," to enable the School Board for London to put in force "The Lands Clauses Consolidation Act, 1845," and the Acts amending the same.

LOCAL ACTS.

The Titles to which the Letter **P.** *is prefixed are Public Acts of a Local Character.*

P. i. AN Act to render valid Marriages heretofore solemnised in the Chapel of Ease of Saint James in the parish of Buxton in the county of Derby.

P. ii. An Act to confirm two Provisional Orders made under "The Drainage and Improvement of Lands (Ireland) Act, 1863," and the Acts amending the same.

P. iii. An Act to enable Her Majesty's Postmaster General to acquire a site for the extension of the Manchester General Post Office.

P. iv. An Act to amend the Act for making regulations as to the Office of Clerk of the Peace for the County Palatine of Lancaster.

v. An Act to confirm the holding of certain Lands by the Derby Gasligh and Coke Company, to enable that Company to raise additiona Capital, and for other purposes.

vi. An Act to authorise the Ely, Haddenham, and Sutton Railway Company to extend their authorised Railway to the Saint Ives and March Railway of the Great Eastern Railway; to change their name and for other purposes.

vii. An Act to authorise the Scotswood, Newburn, and Wylam Railwa and Dock Company to abandon the Construction of the Dock and Branc Railway near Scotswood Bridge in the county of Northumberland to change their name; and for other purposes.

P. viii. An Act to confirm two Provisional Orders made under "T Drainage and Improvement of Lands (Ireland) Act, 1863," and th Acts amending the same.

ix. An Act to authorise an Extension of Time for purchasing Land an completing the Railway authorised by the Manchester and Milfor Railway (Devils Bridge Branch) Act, 1873.

x. An Act to authorise the Folkestone Gas and Coke Company to acqui further Lands; to extend their Works; to raise additional Capita and for other purposes.

xi. An Act to authorise the City of Dublin Steam Packet Company to make further Arrangements for the Investment of their Reserve Fund; and for other purposes.

xii. An Act to enable the Shepton Mallet Waterworks Company to construct additional Works and to raise further Capital; and for other purposes.

xiii. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Borough of Arundel, the District of Bacup, the Rural Sanitary District of the Caistor Union, the City of Carlisle, the District of Milton-next-Sittingborne, the Borough of Northampton, and the District of Toxteth Park.

xiv. An Act to confirm certain Provisional Orders made by the Local Government Board under the Poor Law Amendment Act, 1867, with reference to the townships of Cumberworth and Cumberworth-Half, in the West Riding of the county of York, and the borough of King's Lynn, in the county of Norfolk.

xv. An Act to confirm certain Provisional Orders of the Local Government Board relating to the borough of Blackburn, and to the Districts of Downham Market, Melksham, Milnrow, and Saint Hellen's.

xvi. An Act to confirm certain Provisional Orders of the Local Government Board relating to the Districts of Briton Ferry and Clayton, the Rural Sanitary District of the Coventry Union, the Borough of Nottingham (two), and the Districts of Oystermouth and Ripley.

xvii. An Act to confirm a Provisional Order of the Local Government Board under the provisions of the Gas and Water Works Facilities Act, 1870, and the Public Health Act, 1875, relating to the District of Skelmersdale, in the county of Lancaster.

xviii. An Act for vesting Poolbeg Lighthouse in the Dublin Port and Docks Board; and for other purposes relating thereto.

xix. An Act to enlarge the Powers of the South Alloa Dock Company.

xx. An Act for the Reduction of the Nominal Capital of The Assam Company.

xxi. An Act for rendering valid certain Letters Patent granted to George Tomlinson Bousfield for Improvements in Lacing Devices and in the Mode of Lacing and Fastening Wearing Apparel and other Articles with the same.

xxii. An Act for rendering valid certain Letters Patent granted to Charles Henry Hall for Improvements in Steam Pumps or Apparatus for Elevating Fluids by Steam.

xxiii. An Act for rendering valid certain Letters Patent granted to Edward Milner for Improvements in the Method of producing White Pigments from Lead.

xxiv. An Act for empowering the British Gaslight Company, Limited, to enlarge their Works, to extend their Limits, and to expend further Capital at Kingston-upon-Hull; and for other purposes.

xxv. An Act for empowering the Local Board for the District o Padiham and Hapton, in the county of Lancaster, to acquire th Undertaking of the Padiham Gaslight and Coke Company; and f other purposes.

xxvi. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of Leicester to construct additional Works for the Prevention of Floods in the Borough; and for other purposes.

xxvii. An Act for extending the time for the completion of the Works authorised by "The Drainage and Improvement of Lands Supplemental Act (Ireland), 1868."

xxviii. An Act for extending the time limited by The Pegwell Bay Reclamation and Sandwich Haven Improvement Act, 1873, for the Purchase of Land and the Completion of Works; and for other purposes.

xxix. An Act for rendering valid certain Letters Patent granted to William Cameron Sillar, Robert George Sillar, and George William Wigner, for Improvements in deodorising and purifying Sewage and making Manure therefrom.

xxx. An Act to provide for the closing of the Coombe Hill Canal Navigation, and the Sale of the Site thereof; and for other purposes.

xxxi. An Act for extending the Boundary of the Borough of Romsey, in the county of Southampton; and for other purposes.

xxxii. An Act for incorporating the Maidenhead Gas Company, and for conferring upon them powers for the supply of Gas to the borough of Maidenhead and certain neighbouring places in the counties of Berks and Buckingham; and for other purposes.

xxxiii. An Act to enable the Edinburgh and District Water Trustees to abandon their authorised Edgelaw Reservoir, and to construct the same on another Site, and also to construct a Reservoir at Rosebery, and other Works, and to make further provision for the supply of Water to their District, and otherwise; and for other purposes.

xxxiv. An Act for amending the Act (Local) of the thirteenth year of Her present Majesty, chapter five, commonly known as the Brighton Improvement (Purchase of Royal Pavilion, &c.) Act; and for other purposes.

xxxv. An Act to confer further powers on the City of Glasgow Union Railway Company, the Glasgow and South-western Railway Company and the North British Railway Company; and for other purposes.

xxxvi. An Act to grant further Powers to the Rossendale Union Gas Company.

taken to be, a military prison; and every military prison which, under the provisions of any former Act of Parliament, has been or which shall be so as aforesaid set apart and declared, shall be deemed to be a public prison within the meaning of this Act; and all and every the powers and authorities with respect to county gaols or houses of correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such military prisons, belong to and may be exercised by the Secretary of State for the War Department, and in India by the Governor General in Council; and it shall be lawful for the said Secretary of State, and in India for the Governor General in Council, from time to time to make, alter, and repeal rules and regulations for the government and superintendence of any such military prison, and of the governor, provost marshal, officers, and servants thereof, and of the offenders confined therein, which said rules and regulations so made as aforesaid shall remain and continue to be in force until the same are altered or repealed by Her Majesty's said Secretary of State for War, or in India by the Governor General in Council; and it shall be lawful for the said Secretary of State; and in India for the Governor General in Council, from time to time to appoint an inspector general and inspectors of military prisons, and a governor, or provost marshal and all other necessary officers and servants for any such military prison, and, as occasion may arise, to remove the governor or provost marshal, officer or servant of any such military prison; and the general or other officer commanding any district or station within which may be any such military prison, or such general or other officer, and such other person or persons as the said Secretary of State, and in India the Governor General in Council, may from time to time appoint, shall be a visitor or visitors of such prison; and the said Secretary of State, and in India the Governor General in Council, may authorise any general officer commanding to appoint periodically visitors to any military prison within his command; and the said Secretary of State, and in India the Governor General in Council or the general officer so appointing, shall transmit to the visitor or visitors of every military prison established by his authority a copy of the rules and regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced, within such prison; and every inspector, visitor, and governor of any such military prison shall, subject to such rules and regulations as may from time to time be made by the said Secretary of State, or in India by the Governor General in Council, have and exercise in respect of such

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prison, and of the governor, officers, and servants thereof, and of the prisoners confined therein, all the powers and authorities, as well in respect of administering oaths as otherwise, which any inspector, visiting justice, or governor of a county gaol or house of correction may respectively exercise as such: Provided that every inspector of such military prisons, who is also a director of convict prisons, shall have the same power in such military prisons as he has in convict prisons.

As to the custody of military offenders under sentence of court-martial and in other cases.

30. Every governor, provost marshal, gaoler, or keeper of any public prison or of any gaol or house of correction in any part of Her Majesty's dominions shall receive into his custody any military offender under sentence of imprisonment by a court-martial, upon delivery to him of an order in writing in that behalf from the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the regiment or corps to which the offender belongs or is attached, which order shall specify the offence of which he shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and hour of the day on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and whenever troops are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, shall receive into his custody any soldier for a period not exceeding seven days, upon delivery to him of an order in writing on that behalf from the officer commanding such troops.

As to the removal or discharge of prisoners in certain cases.

31. In the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than the military prisons set apart by the authority of this Act, or in any gaol or house of correction in any part of the United Kingdom, it shall be lawful for the general commanding in chief, or the adjutant general, or the officer who confirmed the proceedings of the court, or the officer commanding the district or garrison in which such prisoner may be, to give, as often as occasion may arise,

an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment or penal servitude under the sentence of a court-martial in any public prison other than such military prison as aforesaid, or in any gaol or house of correction in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the general commanding in chief or the adjutant general of Her Majesty's forces in the case of any such prisoner, and for the Commander-in-Chief in India in the case of any prisoner so confined in any part of Her Majesty's Indian dominions, and for the general commanding in chief in any presidency in India in the case of a prisoner so therein confined, and for the officer commanding in chief or the officer who confirmed the proceedings of the court at any foreign station in the case of a prisoner so there confined, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction either within the United Kingdom or elsewhere to some other prison or place either in the United Kingdom or elsewhere, the officer who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment or penal servitude

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under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for the War Department, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military custody as may be lawfully exercised by any of the military authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place; and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Provision for subsistence.

32. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every soldier imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every soldier, out of the subsistence of such soldier during the period of his imprisonment, in Great Britain and Ireland, one shilling per diem, and in other parts of Her Majesty's dominions such sum as the Secretary of State may order: In all cases where such soldier is sentenced to be discharged or is ordered by the military authorities to be discharged from the army on the completion of his term of imprisonment, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, a further sum not exceeding sixpence per diem, and all of which said sums shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any

person subject to this Act, shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time: Provided, that for each person so ceasing to be subject to this Act, the Secretary of State for the War Department may cause to be issued out of army votes, upon application in writing, signed by any justice as aforesaid, together with a copy of the order of commitment, a sum not exceeding one shilling and sixpence per diem, which said sum shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed.

In India the expenses incurred under the provisions of this section shall be paid in the same manner as the other expenses of such prison, or as may be provided by the laws or regulations to be made in that behalf.

Expiration of imprisonment of soldiers in common gaols.

33. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any offence, civil or military, is a soldier liable to serve Her Majesty on the expiration of his imprisonment, shall forthwith, or as soon as may be, give, if in Great Britain, to the Secretary of State for the War Department, and if in Ireland to the general commanding Her Majesty's forces in Ireland, or if in India to the adjutant general of the army, or to the nearest military authority with whom it may be convenient to communicate, notice of the day and hour on which the imprisonment of such person will expire; and every such gaoler or keeper is hereby required to use his best endeavours to ascertain and report in all cases where practicable the particular regiment or corps, battalion of a regiment or battery of artillery, to which such soldier belongs, and also whether he belongs to the depôt or the head quarters of his regiment; and in the event of his being a recruit who has not joined, that it may be so stated in his report, together with the name of the place where the man enlisted. In all cases where the soldier in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of State for War, or to the military authorities hereinbefore referred to.

Apprehension of deserters.

34. Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable or other person to apprehend him, and forthwith bring him before a justice acting for any county, district, city, borough, or place wherein or near to which the place in which

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he was apprehended is situate; and the justice shall deal with the suspected deserter as if he were brought before him by warrant in accordance with the provisions of an Act passed in the eleventh and twelfth years of Her present Majesty, chapter forty-two, section twenty-one; and upon its appearing to the justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected deserter, that the accused is a deserter, he shall cause him to be conveyed to the head quarters of the regiment or depôt to which he may appear to belong, or to the nearest or most convenient military or police station, or other place legally provided for the confinement of persons in custody, or delivered up to a party of soldiers in charge of a non-commissioned officer, as to the justice may seem most expedient, having regard to the safe custody of such suspected deserter; and the justice shall make a report to the Secretary of State of the persons through whom or by whose means the deserter was apprehended or secured; and for such information, commitment, and report the gaoler or other person into whose custody the accused is committed shall pay at the time of commitment to the clerk to the justice the sum of two shillings; and the Secretary of State, upon receipt of a report of the same, together with a copy of the commitment, shall cause such sum to be repaid to such gaoler or other person so entitled; and upon the report of a justice as aforesaid, the Secretary of State shall cause to be paid to the person or persons by whom or through whose means it shall appear to his satisfaction that the deserter was apprehended and secured, a sum not exceeding forty shillings; and the justice shall in every case transmit, if in the United Kingdom to the Secretary of State, and if elsewhere to the general or other officer commanding, a descriptive return in the form prescribed in the schedule to this Act annexed; and a return purporting to be so made shall be evidence of the facts and matters therein stated: Provided always, that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred by order of the general or other officer commanding to serve in any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which it may be desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

Transfer of deserters.

As to the temporary custody of deserters in gaols.

35. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his

custody by any soldier or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the office of the Secretary of State for the War Department, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by Her Majesty's regulations.

Desertion of recruits prior to joining their regiments or corps.

36. Any recruit for Her Majesty's army who, having been attested or received pay other than enlisting money, shall desert before joining the regiment or corps for which he has enlisted, shall, on being apprehended, and committed for such desertion by any justice of the peace upon the testimony of one or more witnesses upon oath, or upon his own confession, forfeit his personal bounty, and be liable to be transferred to any regiment or corps or depôt nearest to the place where he shall have been apprehended, or to any other regiment or corps to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that such deserters thus transferred shall not be liable to other punishment for the offence, or to any other penalty except the forfeiture of their personal bounty.

Fraudulent confession of desertion.

37. Any person who shall confess himself to be a deserter from Her Majesty's forces, or from the embodied militia, shall be liable to be taken before any two justices of the peace acting for the county, district, city, burgh, or place where any such person shall at any time happen to be when he shall be brought before them, and on proof that any such confession as aforesaid was false shall by the said justices be adjudged to be punished, if in England, as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three calendar months; and if, when such person shall be brought before the said justices, it shall be proved to their satisfaction that such confession has been made, but evidence of the truth or falsehood of such confession shall not at that time be forthcoming, such justices within the United Kingdom are hereby required to remand such person in the manner herein-before mentioned, and to transmit a statement of the case and descriptive return to the Secretary of State for the War Department, with a request to be informed whether such person appears to belong or to have belonged to the regiment or corps from which he shall have so confessed himself to have deserted; and a letter from the War Office in reply thereto, referring to such statement, and pur-

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porting to be signed by or on behalf of the Secretary of State for the War Department, shall be admissible in evidence against such person, and shall be deemed to be legal evidence of the facts stated therein, and on the receipt thereof the said justices shall forthwith proceed to adjudicate upon the case. In India the authority herein given to two justices may be exercised by one European justice or magistrate.

Furlough in case of sickness.

38. When there shall not be any military officer of rank not inferior to captain, or any adjutant of regular militia, within convenient distance of the place where any non-commissioned officer or soldier on furlough shall be detained by sickness or other casualty rendering necessary any extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall by letter immediately certify such extension and the cause thereof to the commanding officer of the corps or detachment to which such non-commissioned officer or soldier belongs, if known, and if not then to the agent of the regiment or corps, in order that the proper sum may be remitted to such non-commissioned officer or soldier, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any soldier from trial and punishment according to the provisions of this Act, for any false representation made by him in that behalf to the said justice, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

No person acquitted or convicted by the civil magistrate or by a jury to be tried by a court-martial for the same offence.

39. No person subject to this Act, having been acquitted or convicted of any crime or offence by the civil magistrate, or by the verdict of a jury, shall be liable to be again convicted for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class or to the rank of a private soldier by order of the Commander-in-Chief, or in the case of an army schoolmaster to discharge from the service, or loss of the whole or any period of his previous service reckoning towards pension on discharge by order of the Commander-in-Chief, or in the case of a non-commissioned officer by reduction to the ranks by order of the Commander-in-Chief or of the colonel, or in the militia by order of the appointed commandant of the regiment or corps; and whenever any officer or soldier shall have been tried by any court of ordinary criminal jurisdiction, the clerk of such court or other officer having the

custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the regiment or corps to which such officer or soldier shall belong, transmit to him a certificate setting forth the offence of which the prisoner was convicted, together with the judgment of the court thereon if such officer or soldier shall have been convicted, or of the acquittal of such officer or soldier, and shall be allowed for such certificate a fee of three shillings.

Soldiers liable to be taken out of Her Majesty's service only for felony, misdemeanor, or for debts amounting to 30*l.* and upwards.

40. Any person attested for Her Majesty's army, or serving on the permanent staff of the disembodied militia or volunteers other than as a commissioned officer, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony or of misdemeanor, or of any crime or offence other than the misdemeanor of absenting himself from his service, or neglecting to fulfil his contract, or otherwise misconducting himself respecting the same, or the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least, over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the facts sworn to, and the day of filing such affidavit; but no soldier or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatever, or to be taken out of Her Majesty's service by any writ, summons, warrant, order, judgment, execution, or any process whatsoever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour, or misconducting himself respecting the same, except in the case of an apprentice, or of an indentured labourer, as herein-after described; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences on account of any of the matters for which it is herein declared that a soldier or other person as aforesaid is not liable to be taken out of Her Majesty's service shall be utterly illegal, and null and void, to all intents and purposes; and any judge of

Soldiers not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

A.D. 1876. any such court may examine into any complaint made by a soldier or by his superior officer, and by warrant under his hand discharge such soldier, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such soldier out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any soldier, or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or military necessaries or equipments of such soldier; provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices, duly bound, under the age of twenty-one years, or to indentured labourers, as herein-after prescribed.

Officers not to be sheriffs or mayors, &c.

41. No person who shall be commissioned and in full pay as an officer shall be capable of being nominated or elected to be sheriff of any county, borough, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland: Provided that the competence or liability of any officer to be nominated to or to hold any of the aforesaid offices shall not be deemed to be affected by reason of the corps to which he belongs being assembled for annual training at the time of his nomination to, or during the period of his tenure of, such office.

Questions to be put to recruits on enlisting.

42. Every person authorised to enlist recruits or to enrol men under any Reserve Force Acts, or to enlist men under any Militia Reserve Acts, shall first ask the person about to be so enlisted or enrolled whether he belongs to any and what force in Her Majesty's service, and also such other questions as the proper authorities may direct to be put to such persons, and in case of a recruit shall immediately after giving him enlisting money serve him with a notice in the form ordered by the Secretary of State for the War Department to be used.

Recruit when deemed to be enlisted.

43. Every person who shall receive enlisting money in manner aforesaid, knowing it to be such, shall, subject to the provisions herein-after contained, upon such receipt be deemed to be enlisted as a soldier in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

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When recruits to be taken before a justice.

44. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included) but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the army, for the purpose of being attested as a soldier, or of objecting to his enlistment: Provided in the case of recruits for the militia, that nothing contained in the Militia (Voluntary Enlistment) Act, 1875, shall be deemed to affect the validity of the enrolment of any militia recruit who has been enrolled according to the provisions of the Militia Acts thereby repealed, and that hereafter any militia recruit may be attested immediately after enlistment without regard to the interval of twenty-four hours, and by a justice or commissioned officer. And provided that a recruit for the militia in respect of any wilfully false answer given by him to such justice or officer in reply to a question directed to be put by the authorities, shall be deemed to be punishable as if such answer were given before a justice.

Dissent and relief from enlistment.

45. When a recruit upon appearing before a justice for the purposes aforesaid shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the inspecting field officer of the district, or in the case of a recruit enlisted at the head quarters or dépôt of a regiment to the officer commanding the same; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was effected irregularly, nevertheless, upon repayment of the enlisting money, and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he will be entitled to be discharged, and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of State for the War Department and to the inspecting field officer of the district, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

46. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set

A.D. 1876. forth in the form of attestation ordered by the Secretary of State for the War Department to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and a vagabond; and the answers of the recruits shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration, and taken the said oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested; and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits, until they have been attested or received pay, not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

47. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person previously to his being attested or enrolled shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, either to attest such recruit as a soldier, or to sentence him to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months.

Attested recruits triable in some cases either before two justices or before a court-martial.

48. Any person who shall have been attested or enrolled in the regular army or reserves, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the proper military authorities, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct; and the declaration pur-

porting to be made by such person on his attestation or enrolment in accordance with the regulations of the Secretary of State shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices or before any court-martial, of such person having represented the several particulars as stated in such declaration.

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49. If any recruit shall abscond, so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought to have been brought for that purpose a certificate of the name and place of residence and description of such recruit, and of his having absconded, and shall declare the same to be true; and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of State for the War Department, in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment, a justice of any county or borough shall be deemed to be a justice of any other county or borough.

Recruits absconding.

50. If any man while belonging to any regiment or corps of the regular, reserve, or auxiliary forces shall, without being discharged by the proper authorities therefrom, enlist or be enrolled or attempt to enlist or be enrolled in any regiment or corps, whether of the regular, reserve, or auxiliary forces, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial; and in the case of a militiaman who shall have belonged to the Militia Reserve at the time of his attestation for placing him under a further stoppage of one penny a day for two hundred and forty days, and further to give general directions as to the manner in which such stoppages shall be applied, and whether, on making good the same, the man shall be returned to his militia regiment or be deemed to be a soldier in the same manner as if he had not been a militiaman at the time of his attestation: Provided, that every soldier who while belonging to a militia regiment enlisted in Her Majesty's army, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date

As to fraudulent re-enlistment.

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of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall subsequently to his enlistment have rendered long, faithful, or gallant service, the Secretary of State for War may, upon the special recommendation of the Commander-in-Chief, order that he may reckon service for pension from the date of his attestation. If any non-commissioned officer of the Volunteer permanent staff enlists in Her Majesty's army he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for the War Department, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the Volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the Volunteer permanent staff, and not duly delivered up by him; or may cause him to be held to his service in Her Majesty's army, with a direction, if it seems fit, that his time of service therein shall not be reckoned for pension until the time when his engagement on the Volunteer permanent staff would have expired; and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the Volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the Volunteer permanent staff, and not duly delivered up by him.

Volunteer permanent staff.

Rules for reckoning service.

The sixth section of the Army Enlistment Act, 1867, and the twelfth section of the Army Enlistment Act of 1870, are hereby repealed. In reckoning the service of a soldier, for the purpose of discharge under either of the above-named Acts, all periods of time shall be excluded during which he has been absent from his duty for any of the following causes: Imprisonment under sentence of a civil court, or a court-martial, or detention in respect of trial for an offence of which he is afterwards convicted, desertion or absence without leave exceeding five days or as a prisoner of war, unless it appear to the satisfaction of a court-martial to be summoned on his rejoining Her Majesty's service, that he was not taken prisoner through his own wilful neglect of duty, and that he rejoined as soon as he could and ought to have done.

Punishment of persons offending against laws

51. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's army shall be liable to

be tried for such offence before a general, district, or garrison court-martial, and to be sentenced to such punishments other than death or penal servitude as such courts may award.

relating to enlistment.

Enlistment and re-enlistment, and transfer to another corps abroad.

52. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, and in any colony for any other person duly authorised in that behalf by the governor or officer administering the government of such colony, and beyond the limits of Her Majesty's dominions for any British consul or person duly exercising the authority of a British consul, and in Her Majesty's dominions in India for any person duly authorised in that behalf by the Governor General or lieutenant governor or other officer administering the government of any presidency, division, or province, and within the territories of any foreign state in India for the person performing the duties of the office of British resident therein, and for any other person duly authorised in that behalf by the Governor General, to enlist and attest or to re-engage within the local limits of their several authorities any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's army; and it shall be lawful, notwithstanding anything contained in the statute twenty-third and twenty-fourth Victoria, chapter one hundred, for any person so authorised in Her Majesty's dominions in India, or within the territories of any foreign state in India, to enlist and attest within the local limits of his authority any persons desirous of enlisting in Her Majesty's Indian forces. Any such magistrate or person as aforesaid shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices in the United Kingdom for all such purposes of enlistment and attestation; but no such magistrate or other person authorised to enlist and attest as above mentioned shall be a general officer or hold any regimental commission; and all such appointments, past and future, and everything done or to be done under them, shall be valid and of full effect, notwithstanding the expiration of this Act or of any other Act of Parliament; and any person so attested shall be deemed to be an attested soldier.

Soldiers willing may be transferred to succeeding corps.

53. When any corps shall be relieved or disbanded at any station beyond the seas it shall be lawful for any officers thereunto authorised by the officer commanding in chief at such station to receive as transfers as many of the soldiers belonging to the corps leaving the station as shall be willing and fit for service for any corps appointed to remain; and every soldier so transferred is hereby deemed to be discharged from his former corps, and an attested certificate of transfer shall be delivered to the soldier.

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Soldiers may be transferred from one service to another.

54. It shall be lawful for the Commander-in-Chief, and on any foreign station for the general or other officer commanding at such station, to direct that any soldier attested for any one branch of the service shall, on the application of his commanding officer, and with his own consent, be transferred to some other branch of the service or to some other regiment or corps in the same branch of the service, either within the United Kingdom or elsewhere; and every soldier so transferred shall be deemed to be discharged from his former corps, and shall have a certificate of transfer delivered to him: Provided always, that any soldier who may be employed as a warrant officer not holding an honorary commission, or in the corps of armourer sergeants, or the army hospital corps, or the army service corps, shall be liable, by order of the military authorities above mentioned, to be re-transferred to his former corps, or to any other corps on the station on which he is serving at the time, for misconduct, unfitness, or any other reasonable cause: Provided also, that any staff clerk or other non-commissioned officer or soldier on the staff of the army may be transferred to any corps serving at the station at the time of his removal from staff employ: Provided also, that upon the conviction by court-martial of any soldier of the crime of desertion, the officer commanding in chief Her Majesty's forces may, and if the court-martial has been held at a foreign station the officer commanding in chief Her Majesty's forces at such foreign station may, order such soldier to serve in any regiment or corps.

Re-engagement of soldiers for a further term.

55. Any soldier who being in army service has commenced the last year of his first term of enlistment, or who being within three years of the expiration of his first term of enlistment, has been ordered, but has not yet proceeded on foreign service, may, with the approval of his commanding officer, or other competent military authority, and subject to such regulations as may from time to time be made by the Secretary of State, be re-engaged for such a period as shall complete a total period of twenty-one years in Her Majesty's service, reckoning from the time of his first enlistment; and any soldier who has completed a total period of twenty-one years service may, with the approval of the competent military authorities, continue to serve beyond such total period, under the provisions of the tenth section, Army Enlistment Act, 1870; and any person who has been a soldier, and who has received his discharge, may also be so re-engaged upon making a declaration, in the form ordered by the Secretary of State for the War Department to be used, before any one of Her Majesty's justices of the peace in Great Britain or Ireland, or if not in Great Britain or Ireland before any person duly appointed to enlist and attest out of Great

Britain and Ireland any soldiers or persons desirous of enlisting or re-engaging in Her Majesty's service: Provided always, that in reckoning service under the original enlistment or re-engagement of a soldier the boon service granted by the general order of the Governor General of India, dated twelfth of October one thousand eight hundred and fifty-nine, shall be reckoned as actual service, and allowed towards pension and discharge: Provided also, that every soldier now serving who belonged to the garrison which defended Lucknow, or to the garrison which defended the Alumbagh, before the advance of any portion of the forces under the late Lord Clyde in one thousand eight hundred and fifty-seven, shall be allowed to reckon one year's service towards the performance of his limited engagement, and also towards pension on discharge: Provided also, that every soldier who volunteered into Her Majesty's army from any embodied regiment of militia between the thirty-first of December one thousand eight hundred and fifty-five and the twenty-first of March one thousand eight hundred and sixty-one inclusive, or from the disembodied militia during the last week of the training of his regiment in the year one thousand eight hundred and fifty-eight, and who had rendered previous to volunteering six months embodied or disembodied militia service, shall be allowed to reckon towards good-conduct pay and pension, and towards the completion of his limited engagement of service in Her Majesty's army, half the embodied service which he had rendered in the militia after attaining the age of eighteen.

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Boon service to be reckoned.

56. All negroes or persons of colour who, although not born in any of Her Majesty's colonies, territories, or possessions, shall have voluntarily enlisted into Her Majesty's service, shall, while serving, be deemed to be soldiers legally enlisted into Her Majesty's service, and be entitled to all the privileges of natural-born subjects; and all negroes who have been seized and condemned as prize under the Slave Trade Acts, and appointed to serve in Her Majesty's army, shall be deemed to be and shall be entitled to all the advantages of negroes or persons of colour voluntarily enlisted to serve as soldiers in any of Her Majesty's colonial forces.

Enlistment of negroes.

57. Any person duly bound as an apprentice in Great Britain or Ireland, or as an indentured labourer in any of Her Majesty's colonies or possessions abroad, who shall enlist as a soldier in Her Majesty's army, and shall falsely state to the magistrate before whom he shall be carried and attested that he is not an apprentice or indentured labourer as aforesaid, shall be deemed guilty of obtaining money under false pretences, if in England or in Ireland, or in the colonies or possessions aforesaid, and of falsehood, fraud, and wilful

Apprentice enlisting to be liable to serve after the expiration of his apprenticeship.

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imposition, if in Scotland, and shall after the expiration of his apprenticeship, or of his indenture as a labourer, whether he shall have been so convicted and punished or not, be liable to serve as a soldier in Her Majesty's army according to the terms of the enlistment, and if on the expiration of his apprenticeship, or of his indenture as a labourer, he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's army; and no master shall be entitled to claim an apprentice or an indentured labourer as aforesaid who shall enlist as a soldier in Her Majesty's army, or shall be serving in the embodied militia, unless he shall, within one calendar month after such apprentice or indentured labourer shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and shall produce the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed, and unless such apprentice shall have been bound, if in England, for the full term of five years, not having been above the age of fourteen when so bound, and, if in Ireland or in the British Isles, for the full term of five years at the least, not having been above the age of sixteen when so bound, and, if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland, prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship, and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been indorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture was so produced, which certificate or declaration such justice of the peace is hereby required to indorse and sign, and unless such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service, or of any indentured labourer in Her Majesty's colonies or possessions abroad, shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice or indentured labourer may have been bound for a less term than five or four years as aforesaid: Provided also, that any master who shall give up the indentures of his apprentice or of his labourer as aforesaid within one month after the enlisting of such apprentice or indentured labourer shall be entitled to receive to his own use so much of the bounty payable to such recruit as shall not have been

Claims of masters to apprentices.

paid to such recruit before notice given of his being an apprentice or an indentured labourer. A.D. 1876.

Punishment of apprentices enlisting.

58. No apprentice or indentured labourer claimed by his master as aforesaid shall be taken from any corps or recruiting party, except under a warrant of a justice residing near, and within whose jurisdiction such apprentice or indentured labourer shall then happen to be, before whom he shall be carried; and such justice shall inquire into the matter upon oath, which oath he is hereby empowered to administer, and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice or indentured labourer; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice or indentured labourer may deliver him to his master.

Removal of doubts as to attestation of soldiers.

59. No person who shall, for six months either before or after the passing of this Act, have received pay and been borne on the strength and pay list of any regiment or corps, or depôt or battalion of a regiment or corps (of which the last quarterly pay list, if produced, shall be evidence), shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be; and no person shall be exempted from the provisions of this Act or of the Articles of War for the time being by reason only that the number of the forces for the time being in the service of Her Majesty is either greater or less than the number herein-before mentioned.

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Authorised deductions only to be made from the pay of the army.

60. No Secretary of State for the War Department, paymaster general of the army, paymaster, or any other officer whatsoever, or any of their under officers, shall receive any fees or make any deductions whatsoever out of the pay of any officer or soldier in Her Majesty's army, or from their agents, which shall grow due from and after the twenty-fifth day of April one thousand eight hundred and seventy-six, other than the usual deductions, or such other necessary deductions as shall from time to time be authorised or required by Her Majesty's regulations or Articles of War, or by statute twenty-six and twenty-seven Victoria, chapter sixty-five, section eight (Volunteer Act), or by Her Majesty's order signified by the Secretary of State for the War Department; and every paymaster or other officer who having received any officer's or soldier's pay shall unlawfully detain the same for the space of one month, or refuse to pay the same when it shall become due, according to the several rates and agreeably to the several regulations established by Her Majesty's orders, shall, upon proof thereof before a court-martial, be discharged from his employment, and shall forfeit one hundred pounds, and the informer, if a soldier, shall, if he demand it, be discharged from any further service.

Suspending operation of certain Acts herein recited.

61. And whereas by petition of right in the third year of King Charles the First it is enacted and declared, that the people of the land are not by the laws to be burdened with the sojourning of soldiers against their wills; and by a clause in an Act of the Parliament of England, made in the thirty-first year of the reign of King Charles the Second, for granting a supply to His Majesty of two hundred and six thousand four hundred and sixty-two pounds seventeen shillings and threepence, for paying and disbanding the forces, it is declared and enacted that no officer, civil or military, nor other person whosoever, should thenceforth presume to place, quarter, or billet any soldier upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent, and that it shall be lawful for any subject or inhabitant to refuse to quarter any soldier, notwithstanding any warrant or billeting whatsoever: And whereas by an Act passed in the Parliament of Ireland in the sixth year of the reign of Queen Anne, chapter fourteen, section eight, intituled "An Act "to prevent the disorders that may happen by the marching of "soldiers, and providing carriages for the baggage of soldiers on "their march," it was enacted, that no officer, soldier, or trooper in the army, nor the servant of any officer, nor any attendant on the train of artillery, nor any yeoman of the guard or battle-axes, nor any officer commanding the said yeomen, nor any servant of any such

6 Anne, c. 14. s. 8. (I.)

officer, should at any time thereafter have, receive, or be allowed any quarters in any part of Ireland, save only during such time or times as he or they should be on their march as in the same Act is before mentioned, or during such time as he or they should be and remain in some seaport town or other place in the neighbourhood of a seaport town in order to be transported, or during such time as there should be any commotion in any part of Ireland, by reason of which emergency the army, or any considerable part thereof, should be commanded to march from one part of Ireland to another: But forasmuch as there is and may be occasion for the marching and quartering of regiments, corps, troops, and companies in several parts of the United Kingdom of Great Britain and Ireland, the said several provisions of the said recited Acts shall be suspended and cease to be of any force or effect during the continuance of this Act.

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Certain requirements of 6 Anne, c. 14. (I.), as to billeting in Ireland, not now necessary.

62. And whereas by the eleventh section of the said Act of the sixth year of the reign of Queen Anne, chapter fourteen, it is provided and enacted, that no civil magistrate or constable should be obliged to find quarters for or give billets to more or other soldiers than those only whose true Christian and surnames should be delivered to him in writing under the hand of the officer desiring quarters or billets for such soldiers at the time such quarters or billets should be desired, and that all such names should be written together and delivered in one piece of paper, signed as aforesaid, and that the Christian and surnames of every soldier to be quartered or billeted, together with the name of the person on whom he or they should be billeted or quartered, should be given in writing by the constable or civil officer billeting or quartering such soldier, and be contained in the billet given by such civil officer: And whereas it has been found inconvenient and difficult to comply with all the requirements of the said enactment: It shall not be necessary, so long as this Act shall continue in force, for any officer, upon the occasion of his requiring quarters or billets for any soldiers in Ireland, to deliver to the constable or other person whose duty it shall be to find or give the same any list of the names of the soldiers to be so quartered or billeted; and it shall not be necessary for the constable or other such person as aforesaid to set forth in any billet the name of any soldier to be billeted or quartered, but only the number of the soldiers, or the number of the soldiers and horses respectively, as the case may require, to be billeted or quartered on the person named in the billet, and to whom the same shall be addressed.

How and where troops may be billeted.

63. It shall be lawful for all constables of parishes and places, and other persons specified in this Act, in Great Britain and Ireland, and they are hereby required, to billet the officers and

A.D. 1876. soldiers in Her Majesty's service, and out-pensioners when assembled as a local force by competent authority, and persons receiving pay in Her Majesty's army, and the horses belonging to Her Majesty's cavalry, and also all staff and field officers horses, and all bât and baggage horses belonging to any of Her Majesty's other forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act (taking care in Ireland not to billet less than two men in one house, except only in case of billeting cavalry as specially provided); and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victuallers with proper accommodation in such houses, or if any victualler shall not have sufficient accommodation in the house upon which a soldier is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain shall also be furnished with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when troops are on a march shall any of them, whether infantry or cavalry, be billeted above one mile from the place mentioned in the route, care being always taken that billets be made out for the less distant houses, in which suitable accommodation can be found, before making out billets for the more distant; and in all places where cavalry shall be billeted in pursuance of this Act, each man and his horse shall be billeted in one and the same house, except in case of necessity; and, except in case of necessity, one man at least shall be billeted where there shall be one or two horses, and two men at least where there shall be four horses, and so in proportion for a greater number; and in no case shall a man and his horse be billeted at a greater distance from each other than one hundred yards; and the constables are hereby required to billet all soldiers and their horses on their march, in the manner required by this Act, upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or in a different county, in like manner in every respect as if such houses were all locally situate within such place; provided that nothing herein contained shall be construed to extend to authorise any constable to billet soldiers out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective soldiers and horses present to be billeted: all which billets, when made out

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by such constables, shall be delivered into the hands of the commanding officer present; and if any person shall find himself aggrieved by having an undue proportion of soldiers billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice then to two or more justices within whose jurisdiction such soldiers are billeted, such justices respectively shall have power to order such of the soldiers to be removed, and to be billeted upon other persons, as they shall see cause; and when any of Her Majesty's cavalry or any horses as aforesaid shall be billeted upon the occupiers of houses in which officers or soldiers may be quartered by virtue of this Act who shall have no stables, then and in such case, upon the written requisition of the commanding officer of the regiment, corps, troop, or detachment, the constable is hereby required to billet the men and their horses, or horses only, upon some other person or persons who have stables, and who are by this Act liable to have officers and soldiers billeted upon them; and upon complaint being made by the person or persons to whose house or stables the said men or horses shall have been so removed to two or more justices within whose jurisdiction such men or horses shall be so billeted, it shall be lawful for such justices to order a proper allowance to be paid by the person relieved to the persons receiving such men and horses, or to be applied in furnishing the requisite accommodation; and commanding officers may exchange any man or horse billeted in any place with another man or horse billeted in the same place for the benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively; and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any soldiers requiring billets, to extend any routes or to enlarge the districts within which billets shall be required, in such manner as shall appear to be most convenient to the troops; provided that to prevent or punish all abuses in billeting soldiers, it shall be lawful for any justice within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and soldiers who shall be quartered by such constables, together with the names of the persons upon whom such officers and soldiers are billeted, stating the street or place where such persons dwell, and the sign, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted.

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Billeting the guards in and near Westminster.

64. The officers and soldiers of Her Majesty's Foot Guards shall be billeted within the city and liberties of Westminster and places adjacent, lying in the county of Middlesex (except the city of London) and in the county of Surrey, and in the borough of Southwark, in the same manner and under the same regulations as in other parts of England, in all cases for which particular provision is not made by this Act; and the high constables shall, on receipt of the order for billeting soldiers, deliver precepts to the several constables within their respective divisions, in pursuance of which the said constables shall billet such officers and soldiers equally and proportionably on the houses subjected thereto by this Act; and the said constables shall, at every general sessions of the peace to be holden for the said city and liberties, counties and borough respectively, make and deliver to the justices then in open session assembled, upon oath, which oath the said justices are hereby required to administer, lists, signed by them respectively, of the houses subject by this Act to receive officers and soldiers, together with the names and rank of all officers and soldiers billeted on each respectively, which lists shall remain with the respective clerks of the peace for the inspection of all persons without fee or reward; and such clerk shall forthwith from time to time deliver to any persons who shall require the same true copies of any such lists upon being paid twopence per sheet for the same, each sheet to contain at the least one hundred and fifty words.

Military officers not to act as justices in billeting.

65. No justice having or executing any military office or commission in any part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing quarters for any soldier in the regiment, corps, troop, or company under the immediate command of such justice, and all warrants, acts, and things made, done, and appointed by such justice for or concerning the same shall be void.

Allowance to innkeepers.

66. The innholder or other person on whom any soldier is billeted in Great Britain shall, if required by such soldier, furnish him for every day of the march, and for a period not exceeding two days when halted at the intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previous to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnish-

ing the same shall be paid the sum of thirteenpence halfpenny, and twopence halfpenny for a bed; and all innholders and other persons on whom soldiers may be billeted in Great Britain or Ireland, except when on the march in Great Britain and entitled to be furnished with the hot meal as aforesaid, shall furnish such soldiers with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each soldier; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's forces shall be billeted in Great Britain or Ireland for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a regiment, detachment, or party shall, every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, soldiers, or horses are billeted, out of the pay and subsistence of such officers and soldiers, before any part of the said pay or subsistence be distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint, and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situated, sitting in quarter or petty sessions, the Secretary of State for the War Department is hereby required (upon certificate of the justices before whom such oath was made of the sum due upon such accounts, and the persons to whom the same is owing,) to give orders to the agent of the regiment or corps to pay the sums due to such victuallers or other persons as aforesaid, and to charge the same against such officers; and in case any soldier be suddenly ordered to march, and the respective commanding officers or non-commissioned officers are not enabled to make payment of the sums due for the lodging or victualling of the men and stabling or forage for the horses, every such officer or non-commissioned officer shall, before his departure, make up the account with every person upon whom such soldier may have been billeted, and sign a certificate thereof; which account and certificate shall be transmitted by such officer or non-commissioned officer to the agent of the regiment or corps, who is hereby required to make immediate payment thereof, and to charge the same to the account of such officer or non-commissioned officer.

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Interpretation of Act.

67. All powers and provisions relating to soldiers shall be construed to extend to non-commissioned officers, unless when otherwise provided; and all powers and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions and to chief magistrates of exclusive local jurisdictions; and all the powers given to and regulations made for the conduct of constables in relation to the billeting of officers and soldiers, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, hamlets, parishes, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act in relation to billeting; and all powers and provisions for billeting officers and soldiers in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses, or places thereunto belonging, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin, by retail, in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then to billeting soldiers in such manner as has been heretofore customary: Provided that no officer or soldier shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the War Department, or upon persons who keep taverns only, being vintners of the City of London admitted to their freedom of the said company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses, nor in the house of any distiller kept for distilling brandy and strong waters, nor in the house of any shopkeeper whose principal dealing shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses, nor in the house of residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Powers and regulations as to billets.

Exemptions from billets.

Supply of carriages.

68. For the regular provision of carriages for Her Majesty's forces, and their baggage, in their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by an order from Her Majesty, or the general of her forces, or other person duly authorised in that behalf, shall, on production to them of such order, or a copy

thereof, certified by the commanding officer, by some officer or non-commissioned officer of the regiment or corps so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which the troop shall be ordered to march, (for each of which warrants the fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, and oxen, and drivers therein mentioned, and allowing sufficient time to do the same, specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed a day's march prescribed in the order of route, and shall in no cases exceed twenty-five miles; and the constables receiving such warrants shall order such persons as they shall think proper, having carriages, to furnish the requisite supply, who are hereby required to furnish the same accordingly; and when sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice near the place where troops may be quartered on the march, any justice residing nearest to such place may cause a list to be made out once in every year of all persons liable to furnish such carriages, and of the number and description of their said carriages, (which list shall at all seasonable hours be open to the inspection of the said persons,) and may by warrant under his hand authorise the constable within his jurisdiction to give orders to provide carriages, without any special warrant for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, as far as the same can be done.

Rates to be paid for carriages, and regulations relating thereto.

69. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile any other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland, for every hundredweight loaded on any wheel carriage, one halfpenny per mile; and in Great Britain

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such further rates may be added, not exceeding a total addition per mile of fourpence, threepence, or twopence, to the respective rates of one shilling, ninepence, or sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, the period for which the order shall be enforced not exceeding ten days beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of State for the War Department within three days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles the justice granting his warrant may fix a further reasonable compensation, not exceeding the usual rate of hire fixed by this Act; and when any additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay the proper sums into the hands of the constables providing carriages, who shall give receipts for the same on unstamped paper; and in Ireland the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in the presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time, without hindrance to Her Majesty's service; provided that a cart with one or more horses for which the

furnisher shall receive ninepence a mile shall be required to carry fifteen hundredweight at the least; and no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses and oxen, or weight of loading of the aforesaid carriages, which shall not on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of soldiers from Dublin, at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays, at his discretion, out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of the army on any pretence whatsoever.

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As to supply of carriages in cases of emergency, &c.

70. It shall be lawful for Her Majesty, or for the Lord Lieutenant or Chief Governor of Ireland, by her or their order, distinctly stating that a case of emergency doth exist, signified by the Secretary of State for the War Department, or, if in Ireland, by the Chief Secretary or Under Secretary, or the first clerk in the Military Department, to authorise any general or field officer commanding Her Majesty's forces in any district or place, or the chief acting agent for the supply of stores and provisions, by writing under his hand reciting such order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, post-chaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river, as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, or by any officer of the War Department, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency

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as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment, according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and it shall be lawful to convey thereon, not only the baggage, provisions, and military stores of such regiment, corps, or detachment, but also the officers, soldiers, servants, women, children, and other persons of and belonging to the same.

Justices empowered to reimburse constables for sums expended by them.

71. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogue money and assessments directed and authorised to be assessed and levied by an Act of the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Routes in Ireland.

72. It shall be lawful for the Lord Lieutenant or other chief governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency, for the marching of any of Her Majesty's forces in Ireland, in the name of such Lord Lieutenant or chief governor.

Tolls.

73. All Her Majesty's officers and soldiers, on duty or on their march, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all enrolled pensioners in uniform when called out for training or in aid of the civil power, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this

Act, or in any of Her Majesty's colonies, when conveying any such persons as aforesaid, or their baggage, or stores, or returning from conveying the same, shall be exempted from payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any Act or ordinance, order or direction of any colonial legislature or other authority in any of Her Majesty's colonies; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein-before enacted.

Ferries.

74. When any soldiers on service have occasion in their march by route to pass regular ferries in Scotland, the officer commanding may at his option pass over with his soldiers as passengers, and shall pay for himself and each soldier one half only of the ordinary rate payable by single persons, or may hire the ferry boat for himself and his party, debarring others for that time, and shall in all such cases pay only half the ordinary rate for such boat.

Marching money on discharge.

75. Every soldier enlisted in Great Britain or Ireland shall, when entitled to his discharge, if then serving abroad, be sent home, if he shall so require, free of expense, and shall be entitled to receive marching money from the place of his being landed (or, if discharged at home shall receive marching money from the place of his discharge,) to the parish or place in which he shall have been originally enlisted, or at which he shall at the time of his discharge decide to take up his residence (if the cost of conveyance to such place shall not exceed the cost of conveyance to the place of his original enlistment): Provided that nothing in this section shall apply to soldiers appointed sergeant instructors, or attached for completion of service, to the reserve forces.

Ordinary course of criminal justice not to be interfered with.

Punishment of officers obstructing civil justice.

76. Nothing in this Act contained shall be construed to extend to exempt any officer or soldier from being proceeded against by the ordinary course of law, when accused of felony, or of misdemeanor, or of any crime or offence other than the misdemeanors and offences herein-before mentioned; and if any commanding officer shall neglect or refuse, on application being made to him for that purpose, to deliver over to the civil magistrate any

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officer or soldier under his command, or shall wilfully obstruct, neglect, or refuse to assist the officers of justice in apprehending any officer or soldier under his command, so accused as aforesaid, such commanding officer shall, upon conviction thereof in any of Her Majesty's superior courts at Westminster, Dublin, or Edinburgh, or in any court of record in India, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any civil or military office or employment in the United Kingdom of Great Britain and Ireland or in Her Majesty's service; and a certificate of such conviction, containing the substance and effect of the indictment only, omitting the formal part, with the copy of the entry of the judgment of the court thereon, shall be transmitted to the judge advocate general in London.

Penalty for disobedience by agents.

77. For enforcing a prompt observance of the rules and orders for the due appropriation of the public funds applicable to army services, and in order that a true and regular account may be kept and rendered by the agents for the several corps, the said agents are hereby required to observe such orders as shall from time to time be given by Her Majesty under Her Sign Manual, or by the Secretary of State for the War Department, or by Her Majesty's Lord Lieutenant or Chief Governor of Ireland, or by the Lord Treasurer or the Commissioners of Her Majesty's Treasury; and if any person, being or having been an agent, shall refuse or neglect to comply with such orders in relation to his duty as agent, or shall unlawfully withhold or detain the pay of any officer or soldier for a longer period than the space of one month after the receipt thereof, he shall for the first offence forfeit the sum of one hundred pounds, and, if still an agent, for the second offence be discharged from his employment as an army agent, and be utterly disabled to have or hold such employment thereafter, or, if he have ceased to be an army agent, shall for the second and every succeeding offence forfeit the sum of two hundred pounds.

Penalty on trafficking in commissions.

78. Any person (except the Army Purchase Commissioners and persons acting under their authority by virtue of the provisions of the Regulation of the Forces Act, 1871) who shall negotiate, act as agent for, or otherwise aid or connive at the sale or purchase of any commission in Her Majesty's army shall forfeit for every such offence the sum of one hundred pounds; and any person who shall negotiate, act as agent for, or otherwise aid or connive at any exchange in respect of which any sum of money or other consideration exceeding the sum or consideration sanctioned by the

military authorities shall be given or received shall forfeit for every such offence the sum of one hundred pounds. A.D. 1876.

Penalty for procuring false musters.

79. Every person, not having any military commission, who shall give or procure to be given any untrue certificate, whereby to excuse any soldier for his absence from any muster or any other service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any money or gratuity for mustering any soldiers, or for signing any muster rolls or duplicates thereof, shall forfeit for every such offence the sum of fifty pounds; and any person who shall falsely be mustered, or offer himself to be mustered, or lend or furnish any horse to be falsely mustered, shall, upon conviction before some justice of the peace residing near the place where such muster shall be made, forfeit for every such offence the sum of twenty pounds; and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

80. Every person (except such person or persons as shall be authorised by beating order under the hand of the Secretary of State for the War Department) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the line, embodied militia, or Her Majesty's Indian forces, or shall open or keep any house, place of rendezvous, or office, or receive any person therein under such bill or advertisement, as connected with the recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the adjutant general, or from the Secretary of State in Council of India, (as the case may be,) shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty for inducing soldiers to desert.

81. Any person who shall in any part of Her Majesty's dominions, or by any means whatsoever, directly or indirectly, procure any soldier to desert, or attempt to procure or persuade any soldier to desert, and any person who, knowing that any soldier is about to desert, shall aid or assist him in deserting, or, knowing any soldier to be a deserter, shall conceal such deserter, or aid or assist such deserter in concealing himself, or aid or assist in his rescue, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

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Penalty for forcible entry in pursuit of deserters without warrant.

82. Any officer or soldier who shall, in pursuit of any deserter, forcibly enter into or break open any dwelling-house or outhouse, or shall give any order under which any dwelling-house or outhouse shall be forcibly entered into or broken open, without a warrant from one or more justices of the peace, shall, on conviction thereof before two justices of the peace, forfeit a sum not exceeding twenty pounds.

Penalties on aiding escape or attempt to escape of prisoners, and on breach of prison regulations.

83. If any person shall convey or cause to be conveyed into any military prison appointed to be a public prison under this Act any arms, tools, or instruments, or any mask or other disguise, in order to facilitate the escape of any prisoner, or shall by any means whatever aid and assist any prisoner to escape or in attempting to escape from such prison, whether an escape be actually made or not, such person shall be deemed guilty of felony, and upon being convicted thereof shall be kept to penal servitude for any term not less than five years and not exceeding seven years, or be imprisoned, with or without hard labour, for any term not exceeding two years; and if any person shall bring or attempt to bring into such prison, in contravention of the existing rules thereof, any spirituous or fermented liquor, he shall for every such offence be liable to a penalty not exceeding twenty pounds and not less than ten pounds, or to be imprisoned, with or without hard labour, for any time not exceeding three calendar months; and if any person shall bring into such prison, to or for any prisoner, without the knowledge of the governor, any money, clothing, provisions, tobacco, letters, papers, or any other articles not allowed by the rules of the prison to be in the possession of a prisoner, or shall throw into the said prison any such articles, or shall by desire of any prisoner, without the sanction of the governor, carry out of the prison any of the articles aforesaid, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, either with or without hard labour, for any time not exceeding one calendar month; and if any person shall assault or violently resist any officer of such prison in the execution of his duty, or shall aid or excite any person so to assault or resist any such officer, he shall for every such offence be liable to a penalty not exceeding five pounds, or to be imprisoned, with or without hard labour, for any time not exceeding one calendar month, or, if the offender be a soldier already under sentence of imprisonment, he shall be liable for every such offence, upon conviction thereof by a board of not less than three of the visitors of the prison, to be imprisoned, either with or without hard labour, for any time not exceeding six calendar months, in addition to his original sentence, or to be subjected to corporal punishment

not exceeding fifty lashes, or upon conviction thereof by a single visitor to be imprisoned, with or without hard labour, for any time not exceeding seventy-two hours, in addition to his original sentence, or to be subjected to corporal punishment not exceeding twenty-five lashes; or if such soldier shall, within forty-eight hours of the expiration of his original or of any additional sentence, be guilty of any offence against the rules of the prison, he may for every such offence, on conviction thereof by a board or by a single visitor, be ordered to be kept in prison for a period not exceeding seventy-two hours either in a dark cell or in a light cell, and with or without hard labour, on a bread and water diet, or otherwise; and all the provisions of any Act or Acts of Parliament for the regulation or better ordering of gaols, houses of correction, or prisons in Great Britain shall be deemed to apply to all military prisons so far as any such provision relates to such offences; and it shall be lawful for the governor, provost marshal, officer, or servant of any military prison to use and exercise all the powers and authorities given by any such Act to the gaoler, keeper, or turnkey of any prison, or to his or their assistants, to apprehend or to cause offenders to be apprehended, in order to their being taken before a justice or justices of the peace; and all the powers and authorities given by any such Act to any justice or justices of the peace to convict offenders in any of the above cases, together with the forms of convictions contained in any such Act, shall be applicable to the like offences when committed in respect of military prisons; and all the provisions contained in any such Act relating to suits and actions prosecuted against any person for anything done in pursuance of such Act shall be deemed to apply to all suits and actions prosecuted against any person acting in pursuance of such Act in respect of military prisons.

Certain provisions of Acts for regulating gaols to apply to military prisons.

84. Any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any military offender in the manner herein-before prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Penalty on keepers of prisons for refusing to confine, &c. military offenders.

85. Any person who shall knowingly detain, buy, exchange, or receive from any soldier or deserter or any other person acting for or on his behalf, on any pretence whatsoever, or who shall solicit or entice any soldier, or shall be employed by any soldier, knowing him to be such, to sell any arms, ammunition, medals for good conduct or for distinguishment or other service, clothes, or military furniture, or any provisions, or any sheets or other articles used in barracks

Penalty on purchasing soldiers necessaries, stores, &c.

A.D. 1876. provided under barrack regulations, or regimental necessaries, or any article of forage provided for any horses belonging to Her Majesty's service, or who shall have in his or her possession or keeping any such arms, ammunition, medals, clothes, furniture, provisions, spirits, articles, necessaries, or forage, and shall not give a satisfactory account how he or she came by the same, or shall change the colour of any clothes as aforesaid, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles of which such offender shall so become or be possessed; and if any person having been so convicted shall afterwards be guilty of any such offence, he shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles of which such offender shall have so become possessed, and shall in addition to such forfeiture be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term, not exceeding six calendar months, as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove on oath before a justice of the peace, or person exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession, or on his or her premises, any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law: Provided always, that it shall be lawful for the legislature of any of Her Majesty's foreign dominions, on the recommendation of the officer or officers for the time being administering the government thereof, but not otherwise, to make provision by law for reducing such pecuniary penalty, if not exceeding twenty pounds, to such amount as may to such legislature appear to be better adapted to the ability and pecuniary means of Her Majesty's subjects and others

inhabiting the same, which reduced penalty shall be sued for and recovered in such and the same manner as the full penalty hereby imposed: Provided also, that it shall be competent to Her Majesty, or to the person or persons administering the government of any such foreign dominions as aforesaid, to exercise, in respect of the laws so to be passed as aforesaid, all such powers and authorities as are by law vested in Her Majesty or in any such officer or officers as aforesaid in respect of any other law made or enacted by any such legislature.

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Penalties on civil subjects offending against the laws relating to billets.

86. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or soldiers in any part of the United Kingdom shall presume to billet any such officer or soldier in any house not within the meaning of this Act, without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or soldier on duty, when thereunto required, in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, or agree for any money or reward whatsoever, in order to excuse any person from receiving such officer or soldier; or shall quarter any of the wives, children, men or maid servants of any officers or soldiers, in any such houses, against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any constable shall neglect to deliver in to the justices at quarter sessions lists of officers and soldiers of the foot guards quartered according to the provisions of this Act, or shall wilfully cause to be delivered defective lists of the same; or if any person liable by this Act to have any officer or soldier quartered upon him shall refuse to receive and to afford proper accommodation or diet in the house in which such officer or soldier is quartered, and to furnish the several things directed to be furnished to officers and soldiers, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw, in Great Britain and Ireland for each horse, in such quantities and at such rates as herein-before provided; or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons

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who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum or sums of money to any soldier on the march in lieu of furnishing in kind the diet and small beer to which such soldier is entitled; or if any toll collector shall demand and receive toll from any of Her Majesty's officers or soldiers, on duty or on their march, for themselves or for their horses, or from any recruits marching by route, or from any prisoners under military escort, or from any enrolled pensioners in uniform when called out for training or in aid of the civil power, or for any carriages or horses belonging to Her Majesty, or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when conveying persons, or baggage, or stores, or returning therefrom, every such constable, victualler, toll-keeper, or other person respectively shall forfeit for every such offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a soldier or a recruit, with the view of fraudulently obtaining a billet, or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

On toll collectors demanding toll from officers, soldiers, or for carriages;

and on persons personating soldiers, &c.

Penalties on the military offending against the laws relating to billets.

87. If any military officer shall take upon himself to quarter soldiers otherwise than is limited and allowed by this Act, or shall use or offer any menace or compulsion to or upon any mayor, constable, or other civil officer, tending to deter and discourage any of them from performing any part of their duty under this Act, or tending to induce any of them to do anything contrary to their said duty, such officer shall for every such offence (being thereof convicted before any two or more justices of the county by the oath of two credible witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service; provided that a certificate of such conviction shall be transmitted by one of the said justices to the Judge Advocate in London, who is hereby required to certify the same to the Commander-in-Chief and Secretary of State for the War Department, and that the said conviction be affirmed at some quarter sessions of the peace of the said county held next after the expiration of three months after such certificate of the justice shall have been transmitted as aforesaid; and if any military officer shall take, or knowingly suffer to be taken, from any person, any money or reward for excusing the quartering of officers or soldiers, or shall billet any of the wives, children, men or maid servants of any officer or soldier, in any house, against the consent of the

occupier, he shall, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day, if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any soldier or servant (except such as are sick) or any woman to ride therein, except in the cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same can be done within reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, such officer shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty on killing game without leave.

88. For the better preservation of game and fish in or near places where any officers shall at any time be quartered, be it enacted, that every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish in the United Kingdom of Great Britain and Ireland, shall for every such offence forfeit the sum of five pounds.

Form of actions at law.

89. Any action which shall be brought against any person for anything to be done in pursuance of this Act shall be brought within six calendar months after the doing thereof, and it shall be lawful for every such person to plead thereunto the general issue Not Guilty, and to give all special matter in evidence to the jury; and if the verdict shall be for the defendant in any such action, or the plaintiff therein become nonsuited, or suffer any discontinuance thereof, or if in Scotland such court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the said matter shall be tried shall allow unto the defendant treble costs, for which the said defendant shall have the like remedy as in other cases where costs are by law given to defendants; and every action against any person for anything done in pursuance of this Act, or against any member or minister of a court-martial in respect of any sentence of such court, or of anything done by virtue or in pursuance of such sentence, shall be brought in some one of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court whatsoever.

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Recovery of penalties.

90. All offences for which any penalties and forfeitures are by this Act imposed not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures and forfeiture of value or treble value recovered, in every part of the United Kingdom, except Scotland, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act to facilitate the performance of the duties of "Justices of the Peace out of Sessions, within England and Wales, "with respect to summary convictions and orders," and in Scotland by and before one or more justices of the peace under the provisions of the Summary Procedure Act, 1864: Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; which last recited Act but one shall be used and applied, in Ireland, for the recovery of all such penalties and forfeitures, as fully to all intents as if the said recited Act had extended to Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to con-"solidate and amend the Acts regulating the proceedings at Petty "Sessions, and the duties of Justices of the Peace out of Quarter "Sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles or in any of Her Majesty's dominions beyond the seas may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the courts of record at Westminster, or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles, or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices, or the court imposing such penalty or forfeiture.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

Appropriation of penalties.

91. One moiety of every penalty, not including any treble value of any articles, adjudged or recovered under the provisions of

this Act, shall go to the person who shall inform or sue for the same, and the remainder of the penalty, together with the treble value of any articles, or, where the offence shall be proved by the person who shall inform, the whole of the penalty, shall be paid, in the United Kingdom, to the paymaster of the London recruiting district, St. George's Barracks, London, and in India to the military secretary of the government of the presidency to which the court by whom the penalty shall be adjudicated shall be subject, and elsewhere in Her Majesty's dominions to the local military accountant, to be at the disposal of the Secretary of State for the War Department, (unless where the penalty is adjudged in India, when it shall be at the disposal of the Government of India,) anything in an Act passed in the fifth and sixth years of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the "regulation of Municipal Corporations in England and Wales," or in any other Act or Acts, to the contrary notwithstanding. Every justice or court adjudging any penalty under this Act shall report the same immediately, if in the United Kingdom, to the said Secretary of State, if in India to the said military secretary, and if elsewhere in Her Majesty's dominions to the general or other officer commanding at the station.

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5 & 6 W. 4. c. 76.

Mode of recording a soldier's settlement.

92. The Secretary of State for the War Department may, if he think proper, cause any soldier on his discharge, and his wife or child, if occasion require, either with or without him, to be sent to the parish in which on his attestation as a recruit he stated that he was born, and if delivered at the workhouse of that parish, or of the union comprising such parish, he shall then be received therein by the master or other proper officer thereof; but any justice in the United Kingdom within whose jurisdiction any soldier in Her Majesty's army, or on the permanent staff of the militia, having a wife or child, shall be billeted, may summon such soldier before him in the place where he is billeted, (which summons he is hereby directed to obey,) and take his examination in writing, upon oath, touching the place of his last legal settlement, and such justice shall give an attested copy of such examination to the person examined, to be by him delivered to his commanding officer, to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence of such last legal settlement before any justices or at any general or quarter sessions, although such soldier be dead or absent from the kingdom; provided that in case any soldier shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy thereof being produced by

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him or by any other person on his behalf, such soldier shall not be obliged to take any other oath with regard to his legal settlement, but shall leave a copy of such examination, or a copy of such attested copy of examination, if required.

Licenses of canteens.

93. When any person shall hold any canteen under proper authority of the War Department, it shall be lawful for any two justices within their respective jurisdictions to grant or transfer any beer, wine, or spirit license to such persons, without regard to time of year or to the notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise, or their proper officers within their respective districts, shall also grant such licenses as aforesaid; and such persons so holding canteens, and having such licenses, may sell therein victuals and exciseable liquors, as empowered by such excise license, without being subject to any penalty or forfeiture.

Attestation of accounts.

94. All muster rolls and accounts and pay and pension lists which are required to be verified by declaration shall be so verified and attested free of stamp duty, and without fee or reward paid for such declaration or attestation.

Commissaries, &c. to attest their accounts.

95. All commissaries, regimental paymasters, and all other accountants for military services, upon making up their accounts, and all commissaries upon returning from any foreign service, shall severally make the respective declarations described in the schedule to this Act annexed; which declarations, if made in any part of the United Kingdom, shall be made before some justice, or other person authorised to administer oaths and declarations, and if made on foreign service shall be made before the officer commanding in chief, or the second in command, or the quartermaster or deputy quartermaster general or any assistant quartermaster general of the army, who shall respectively have power to administer and receive the same.

Administration of oaths.

Perjury.

96. All oaths and declarations which are authorised and required by this Act may be administered (unless where otherwise provided) by any justice of the peace, or other person having authority to administer oaths and declarations; and any person taking a false oath or declaration where an oath or declaration is authorised or required by this Act shall be deemed guilty of wilful and corrupt perjury, or of wilfully making a false declaration, and being thereof duly convicted shall be liable to such pains and penalties as by law any person convicted of wilful and corrupt perjury is subject and liable to; and every commissioned officer convicted before a general court-martial of perjury, or of wilfully making

a false declaration, shall be cashiered, and every soldier or other person amenable to the provisions of this Act found guilty thereof by a general, district, or garrison court-martial shall be punished at the discretion of such court. In India, in all cases where any oath is hereby required to be taken, or any person is hereby required to be sworn, a solemn declaration or affirmation may be substituted, if by the laws for the time being in force in India such declaration or affirmation would be allowed to be substituted in the place of an oath, in case the party were about to depose as a witness in a civil action in any of the supreme courts at the presidencies; and any person wilfully and knowingly giving false testimony on oath or solemn declaration or affirmation in any case wherein such oath or solemn declaration or affirmation shall have been made for the purpose of this Act, or any proceedings under this Act, shall be deemed guilty of wilful and corrupt perjury, and, being duly convicted thereof before a court-martial or otherwise, shall be liable to such pains and penalties as by any law in force in England, or by any law in force in India, any persons convicted of wilful and corrupt perjury are subject and liable to.

Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Offences against former Mutiny Acts and Articles of War.

97. All crimes and offences which have been committed against any former Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, or against any Act for punishing mutiny and desertion of officers and soldiers in the service of the East India Company, or against any of the Articles of War made and established by virtue of either of the same, may, during the continuance of this Act, be tried and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any such former Act shall remain in full force, and all proceedings of courts-martial convened and held under any such warrant shall be continued, notwithstanding the expiration of such Act: Provided always, that no person shall be liable to be tried or punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the impediment shall have ceased.

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Officers and soldiers to conform to 26 & 27 Vict. c. 57., &c.

98. It shall be the duty of all officers and soldiers to observe and conform to the provisions contained in "The Regimental Debts Act, 1863," and in the regulations for the better execution of the purposes of the said Act prescribed from time to time by warrant under the Royal Sign Manual.

Where troops are serving beyond the jurisdiction of the courts of requests, &c., actions of debt not exceeding 400 rupees to be cognizable by a military court.

99. In all places in India where any body of Her Majesty's forces may be serving situate beyond the jurisdiction of any court of small causes established by or under the authority of the Governor General of India in Council, actions of debt and all personal actions against officers or against persons licensed to act as sutlers, or other persons amenable to the provisions of this Act not being soldiers, shall be cognizable before a court of requests composed of military officers, and not elsewhere, provided the value in question shall not exceed four hundred rupees, and that the defendant was a person of the above description when the cause of action arose, which court the commanding officer of any camp, garrison, cantonment, or military post is hereby authorised and empowered to convene. Whenever owing to paucity of officers, or to any other cause, a court of requests cannot conveniently be held at the station where the defendant or defendants may be, it shall be lawful for the officer commanding the division or district to authorise the assembly of a court by the officer commanding at the nearest place where such court can be formed. Courts of requests shall in all practicable cases consist of five commissioned officers, and in no instance of less than three, and the president thereof shall in all practicable cases be a field officer, and in no case be under the rank of a captain, and every member shall have served five years as a commissioned officer; and the president and members assisting at any such court, before any proceedings be had before it, shall take the following oath, which oath shall be administered by the president of the court to the other members thereof, and to the president by any member having first taken the oath; (that is to say,)

'I swear, that I will duly administer justice
'according to the evidence in the matters that shall be brought
'before me. So help me GOD.'

And all witnesses before any such court shall be examined in the same manner as in the case of a trial by courts-martial. All actions of debt and personal actions against persons, not being soldiers, amenable to this Act within the jurisdiction of any court of small causes shall be cognizable by such court to the extent of its powers; and all such actions where the amount sued for exceeds four hundred rupees shall be cognizable by a civil court or court of small causes only; and it shall be competent for any civil court or court of small

causes, or for any military court of requests held in lieu thereof under the authority of this section, upon finding or awarding any debt or damage, either to award execution thereof generally, or to direct specially that the whole or any part thereof shall be stopped and paid over to the plaintiff out of any part not exceeding one half of any pay or allowance, or out of any other public money which may respectively be coming to the defendant in the current or any future month or months, or to direct the same to be so paid by instalments. In regard to awards of execution general civil courts and courts of small causes shall proceed in accordance with the rules of procedure for such courts in India; and in all cases where execution shall be awarded generally by a military court of requests, the debt, if not paid forthwith, shall be levied by seizure and public sale of such of the defendant's goods and property as may be found within the camp, garrison, cantonment, or military post, under a written order of the commanding officer, grounded on the judgment of the court, and all orders of such commanding officer as to the manner of such sale, or the person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any goods and property of the defendant found within the limits of the camp, garrison, cantonment, or military post to which the defendant shall belong at any subsequent time shall be liable to be seized and sold in like manner in satisfaction of any remainder of such debt or damages; and if any question shall arise whether any such effects or property are liable to be taken in execution as aforesaid, the decision and order of the said commanding officer shall be final and conclusive with respect to the same, and if sufficient goods shall not be found within the limits of the camp, garrison, cantonment, or military post, then any public money or any part not exceeding one half of the pay or allowances accruing to the defendant shall be stopped in liquidation of such debt or damages; and if such defendant shall not receive pay as an officer or from any public department, but be a sutler, servant, or follower, he may be arrested by like order of the commanding officer, and imprisoned in some convenient place within the military boundaries for any period not exceeding two months, unless the debt be sooner paid; and the said commanding officer shall not, nor shall any person acting on his orders in respect of the matters aforesaid, incur any liability to any person or persons whomsoever for any act done by him in pursuance of the provisions aforesaid; and in cases where the said court shall direct specially that the whole or any part of the debt or damages shall be stopped and paid out of part of any pay and

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allowances, or out of any public money, the same shall be stopped and paid accordingly in conformity with direction: Provided always, that nothing herein-before contained shall enable any such action as aforesaid to be brought in a military court of requests by any officer or soldier against any officer: Provided also, that the articles of military equipment of any defendant shall not be deemed "goods and property" under this section.

Provisions relating to courts-martial on officers and soldiers of Her Majesty's Indian forces.

100. The government of any of the presidencies in India may suspend the proceedings of any court-martial held in India on any officer or soldier belonging to Her Majesty's Indian forces within such presidencies respectively; and if any officer belonging to Her Majesty's Indian forces shall think himself wronged by the officer commanding the regiment, and shall upon due application made to him not receive the redress to which he may consider himself entitled, he may complain to his commander-in-chief in order to obtain justice, who is hereby required to examine into such complaint, and thereupon, either by himself or by his adjutant general, to make his report to the government of the presidency to which such officer belongs, in order to receive the further directions of such government.

As to trial of officers and soldiers serving in India.

101. Any officer or soldier, or other person subject to this Act, who shall be serving in the territories of any foreign state in India or in any country in India under the protection of Her Majesty, or at any place in Her Majesty's dominions in India (other than Prince of Wales Island, Singapore, or Malacca), at a distance of upwards of one hundred and twenty miles from the presidencies of Fort William, Fort Saint George, and Bombay respectively, and who shall be accused of having committed any offence which, if committed in England, would be punishable by the criminal law there, may, if the same be also punishable under the Indian penal code for the time being, be tried by a general court-martial to be appointed by the general or other officer commanding in chief in such place for the time being, and, if found guilty, shall be liable to be sentenced by such court-martial to suffer such punishment as may legally be awarded by any of Her Majesty's courts of criminal jurisdiction within Her Majesty's dominions of India in respect of a like offence committed within the jurisdiction of such last-mentioned court; but no sentence of a general court-martial for any such offence shall be carried into execution until the same shall have been duly confirmed; and it shall be lawful for such general or other officer commanding in chief as aforesaid to confirm the sentence of any such general court-martial; and such general or

other officer as aforesaid may, if he shall think fit, suspend, mitigate, or remit the sentence; or, in the case of a sentence of penal servitude, may commute the same to imprisonment, with or without hard labour, for such period as to him shall seem fit: Provided always, that in all cases wherein a sentence of death or penal servitude shall have been awarded by any such general court-martial held for the trial of a commissioned officer, or where a sentence of death shall have been awarded by any such general court-martial held for the trial of any person subject to this Act other than a commissioned officer, such sentence shall not be carried into execution until it shall have been duly approved by the Governor General in Council, or Governor in Council of the presidency in the territories subordinate to which the offender shall have been tried: Provided also, that any person who may have been so tried as aforesaid shall not be tried for the same offence by any other court whatsoever. A.D. 1876.

No court-martial shall, in respect of the conduct of its proceedings, or the reception or rejection of evidence, be subject to the provisions of the "Indian Evidence Act, 1872," or any Act of any legislature, other than the Parliament of the United Kingdom.

102. The words Commander-in-Chief in this Act shall be held to include the field marshal or other officer commanding in chief Her Majesty's forces for the time being. Interpretation.

103. The sixth section of the Army Enlistment Act, 1870, shall be amended as follows; that is to say, Amendment of Army Enlistment Act, 1870.

The Secretary of State may, from time to time, by any general or special regulation, permit recruits to be enlisted for particular regiments or corps, and in such case they shall be attached to such regiment or corps; and the word corps shall in this Act, and in the Army Enlistment Act, 1870, as to future enlistments, include a brigade constituted of two or more regiments associated by general order or royal warrant for the purposes of enlistment or service.

104. Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any regiment or regiments of militia, and the officers, non-commissioned officers, and men (including the permanent staff) of any such regiment or regiments so attached shall be deemed for all purposes to form part of the corps to which they are attached: Provided that no person belonging to the militia shall be required to serve for a longer period, or in any other country, than that Militia may be attached to regular forces.

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during and in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Yeomanry or volunteers may be attached to regular forces.

105. Her Majesty may, by order of one of her Principal Secretaries of State, and subject to such conditions as may be determined by him, attach to any corps of the army in the United Kingdom any corps of yeomanry or volunteers, and the officers, non-commissioned officers, and men (including the permanent staff) of any corps so attached shall be deemed for all purposes to form part of the corps of the army to which they are attached: Provided that no person belonging to the yeomanry or volunteers shall be required to serve in any other manner than that in which he might have been required to serve, or shall be liable to any greater punishment than that to which he might have been subjected, if this Act had not passed.

Liability of soldier to maintain wife and children.

106. Notwithstanding anything in this Act contained, a soldier shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a soldier, but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle "and disorderly persons and rogues and vagabonds in that part "of Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union, nor shall he in Ireland be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the "punishment of vagrants and persons offending against the laws "in force for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a soldier, or, in Scotland, decree is pronounced by a court of law, having jurisdiction, in an action of aliment or filiation and aliment against a soldier, for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any soldier being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An "Act to amend the law enabling Boards of Guardians to recover "costs of maintenance of illegitimate children in certain cases in "Ireland," or when any order or decree has been made on or against any soldier for the recovery of the cost of any relief given to the wife or child of such soldier under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of one of Her Majesty's Principal Secretaries of State, and the said Secretary of State may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other soldier, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a soldier under the said Acts or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such soldier is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the soldier) sufficient to enable him to attend the hearing of the case and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a soldier if served after the time at which an order has been given for the embarkation for service out of the United Kingdom of the body of troops to which the soldier belongs.

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Trial of men in army reserve for breach of regulation.

107. Any man hereafter enrolled in the army reserve, or any man who now being enrolled therein shall so consent, shall be at all times during and in respect of such period of enrolment, subject to this Act to the extent and in the manner following, that is to say: For any wilful neglect or disobedience by him of an order or regulation made by the Secretary of State, under the provisions of any Act then in force for the government or regulation of the army reserve, he may be tried and punished by court-martial as if he were a soldier serving with a regiment, or, at the discretion of the military authorities, may be brought before a justice acting for the county, district, city, borough, or place where he may come or be, and by such justice may be sentenced to imprisonment with hard labour for a period not exceeding three months; proof of the delivery of a notice issued by the military authorities, at the then last registered place of abode of any man enrolled in the army reserve, or of the delivery of a letter addressed to him at such place, shall in all cases, in the absence of proof to the contrary, be deemed to be sufficient evidence, whether before a court-martial or before a justice, that such notice was brought to his knowledge.

When to be deemed deserters.

Any man hereafter enrolled in the army reserve, or any man who now being enrolled therein shall so consent, who shall without reasonable cause absent himself on two occasions when by the Acts governing such force or the regulations made or to be made by virtue thereof, he is duly ordered to be present at any place for the receipt of pay, shall be deemed a deserter: Provided that nothing contained in this section shall be deemed to affect any liability to which a man enrolled in the army reserve may be at the time subject under the provisions of any other section of this Act, or of any other Act for the time being in force, or of any orders or regulations made in pursuance thereof: Provided also, that nothing in the fifteenth section of the Army Enlistment Act, 1870, shall be deemed to affect the validity of any order of the Secretary of State for the enrolment, re-enrolment, or prolongation of the service, with their own consent, of men in the army reserve at any age, and the proviso of such section is hereby repealed. Section twenty-one of the Army Enlistment Act, 1870, is hereby repealed so far as the same repeals section eight of the Reserve Force Act, 1867.

Partial repeal of ss. 15 and 21 of Army Enlistment Act, 1870.

Duration of this Act.

108. This Act shall be and continue in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-six inclusive until the twenty-fifth day of April one thousand eight hundred and seventy-seven; and shall be and continue in force within Ireland, and in Jersey, Guernsey, Alderney, Sark, and

Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-six inclusive until the first day of May one thousand eight hundred and seventy-seven; and shall be and continue in force within the garrison of Gibraltar, the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-six inclusive until the first day of August one thousand eight hundred and seventy-seven; and shall be and continue in force in all other parts of Europe where Her Majesty's forces may be serving, and in the West Indies and America, from the first day of September one thousand eight hundred and seventy-six inclusive until the first day of September one thousand eight hundred and seventy-seven; and shall be and continue in force in India, and within the Cape of Good Hope, the Isle of France or Mauritius and its dependencies, Saint Helena, and the settlements on the western coast of Africa, from the first day of January one thousand eight hundred and seventy-seven inclusive until the first day of January one thousand eight hundred and seventy-eight; and shall be and continue in force within British Columbia and Vancouver's Island from the date of the promulgation thereof in general orders there inclusive until the first day of January one thousand eight hundred and seventy-eight; and shall be and continue in force in all other places from the first day of February one thousand eight hundred and seventy-eight inclusive until the first day of February one thousand eight hundred and seventy-nine: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein stated to the contrary notwithstanding.

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SCHEDULE referred to by the foregoing Act.

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make oath, that I am by trade a and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of , for the term of years; and that the said did on or about the day of abscond and quit my service without my consent; and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and

Sworn before me at this day of one thousand eight hundred and .

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

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FORM of OATH to be taken by a MASTER whose indentured LABOURER in any of Her Majesty's colonies or possessions has absconded.

I of do make oath, that was bound to me to serve as an indentured labourer by indenture dated the day of for the term of years, and that the said did on or about the day of abscond and quit my service without my consent.

Witness, *&c.* [*as for apprentice.*]

FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an indentured LABOURER.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of and made oath that was bound to serve as an indentured labourer to him by indenture dated the day of for the term of years, and that the said indentured labourer did on or about the day of abscond and quit the service of the said without his consent.

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, that I have not applied any moneys or stores or supplies under my care or distribution to my own use, or to the private use of any other person by way of loan to such person or otherwise, or in any manner applied them, or knowingly permitted them to be applied, to any other than public purposes, according to the duty of my office.

Declared before me by the within-named } this day of }

Justice of the Peace of or *commander-in-chief*, or *second in command, et cætera, the army serving in et cætera* [*as the case may be*].

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Form of Declaration of a Paymaster's Accounts.

(1) Insert the Paymaster's name.
(2) Describe the corps.
(3) If the Paymaster musters insert *me*; if otherwise, state by whom the musters were taken, adding the words, *to the best of my knowledge and belief.*

I (1) do solemnly and sincerely declare, that the commissioned and non-commissioned officers, and all other persons belonging to the (2) have been mustered by (3) on the days prescribed, and in the manner directed by the regulations of the service.

Also, that the present account contains charges of pay and allowances for only such commissioned and non-commissioned officers, and other persons belonging to the (2) as were effective and entitled thereto during the periods set against their names, and that the true reason of every absence or circumstance affecting pay or allowances is also stated against their names and properly accounted for.

Also, that the sum for which I have taken credit in this account for the pay of commissioned officers has been actually paid to them respectively.

(4) Insert the amounts in words.

Also, that the whole of the sums for which I have taken credit in this account, amounting to (4) , have been actually and bonâ fide disbursed by me in conformity with the regulations of the service, and that the total sum received or drawn for the several services therein charged, including every receipt whatever, with which I am required to debit myself in this account, is (4)

Paymaster.

Declared and subscribed before me, at this day of 187 . } *a Justice of the Peace for*

Paymaster's Sureties.		Premium on Policy of Guarantee.	
Names.	Addresses.	Date when last paid.	Date when next due.

Certified,

Paymaster.

FORM of DECLARATION of ATTESTATION of the ACCOUNTS of a DEPARTMENTAL PAYMASTER.

I HEREBY solemnly and sincerely declare, that this account, comprised in folios, is just and true, according to the best of my knowledge, information, and belief; and I make this declaration, conscientiously believing the same to be true.

Departmental Paymaster.

Declared before me, at this day of 18 . } _____ *Justice of the Peace for* _____

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W.O. Form 87.

DESCRIPTIVE RETURN of who* at on the day of and was committed to confinement at on the day of as a deserter from the Bn. of the Regiment of .

* After the word "who," to be inserted either the words "was apprehended," or "surrendered himself," as the case may be.

Age	
Height	Feet. Inches.
Complexion	
Hair	
Eyes	
Marks	
In uniform or plain clothes	
Probable date of enlistment, and where*	
Probable date of desertion, and from what place.	
Name, occupation, and address of the person by whom or through whose means the deserter was apprehended and secured.†	
Particulars in the evidence on which the prisoner is committed, and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds. The fullest possible details to be given.	

* It should, if it can be ascertained, be here inserted, in case of a recruit, whether he received pay other than enlisting money, or enlisting money only.

† It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstances herein stated, and has declared in my presence that he‡ a deserter from the before-mentioned corps, and I recommend§ for a reward of *s.*

‡ Insert *is* or *is not*, as the case may be.

_____ *Signature* } *of committing Magistrate.*
_____ *Residence*
_____ *Post Town*

_____ *Signature of prisoner.*

_____ *Signature of informant.*

§ It is requested that the magistrate will insert the name of the person to whom the reward is due, and the amount [5s., 10s., 15s., or 20s.,] which, in his opinion, should be granted in this particular case.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Marine Mutiny.

[39 Vict. Ch. 9.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Power to Lord High Admiral, &c. to make Articles for the punishment of mutiny, desertion, &c. A.D. 1876.
2. As to offences against former Mutiny Acts and Articles of War. Limitation as to time.
3. Provisions of this Act to extend to Jersey, &c.
4. The ordinary course of law not to be interfered with.
5. No person tried by civil power to be punished by court-martial for same offence except by cashiering, &c.
6. Marines to be subject to the discipline of the navy while on board ship.
7. Power to Lord High Admiral, &c. to grant commissions for holding general courts-martial, &c. Place where offenders may be tried.
8. Power of general courts-martial.
9. Powers of district or garrison courts-martial.
10. Powers of divisional and detachment courts-martial.
11. Courts-martial on line of march or in transport ships, &c.
12. Powers of detachment general courts-martial.
13. Officers of the marine and land forces may sit in conjunction on courts-martial.
14. If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.
15. President of courts-martial.
16. Proceedings at trial.
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21. Embezzlement punishable by penal servitude, imprisonment, &c.
22. As to execution of sentences of penal servitude in the United Kingdom.
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30. Power to commute a sentence of cashiering.
31. Forfeiture of pay and pension by sentence of court-martial.
32. Forfeiture of pay on conviction of desertion or felony.
33. Forfeiture of pay when in confinement; or during absence on commitment under a charge, or in arrest for debt; or when prisoner of war; or when convicted of desertion or absence without leave; or when absent without leave.
34. Stoppages.
35. Discharge with ignominy.
36. Power of imprisonment by general, district, or garrison courts-martial.
37. Power of imprisonment by divisional or detachment courts-martial.
38. Imprisonment of offender already under sentence.
39. Term and place of imprisonment.
40. Proviso for removal of prisoners.
41. Custody of prisoners under military sentence in common gaols.
42. Subsistence of prisoners in common gaols.
43. Notice to be given of expiration of imprisonment in common gaols.
44. Military prisons established under any Act for punishing mutiny and desertion in the army to be deemed public prisons.
45. Musters, and penalty on false musters.
46. Verifying of muster rolls.

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47. Trials for desertion after subsequent re-enlistment.
48. Apprehension of deserters. Transfer of deserters.
49. Temporary custody of deserters in gaols.
50. Fraudulent confession of desertion.
51. Punishment for inducing marines to desert.
52. Extension of furlough in case of sickness.
53. Marines liable to be taken out of Her Majesty's service only for felony and certain misdemeanors, or for debts amounting to 30*l.* and upwards; but not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.
54. Officers not to be sheriffs, mayors, &c.
55. Questions to be put to recruits on enlisting.
56. Recruits when deemed to be enlisted.
57. When recruits to be taken before a justice.
58. Dissent and relief from enlistment.
59. Attesting of recruits.
60. Recruits until they have been attested or received pay not triable by court-martial, but in certain cases punishable as rogues and vagabonds.
61. Attested recruits triable in some cases either before two justices or before a court-martial.
62. Recruits absconding.
63. As to militiamen enlisting into regular forces.
64. Volunteer permanent staff officers enlisting into regular forces.
65. Penalty on persons offending as to enlistment.
66. As to re-enlistment abroad.
67. Apprentices enlisting to be liable to serve after the expiration of their apprenticeship.
68. Claims of masters to apprentices.
69. No apprentice claimed by the master shall be taken away without a warrant. Punishment of apprentices enlisting.
70. Removal of doubts as to attestation of marines.
71. Power to Admiralty to order pay to be withheld.
72. Billeting of marines.
73. Allowance to innkeepers.
74. Supply of carriages.
75. Rates for carriages.

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76. As to supply of carriages, &c. in cases of emergency.
77. Justices of peace to direct payment of sums expended for carriages, &c.
78. Lord Lieutenant of Ireland may depute persons to sign routes.
79. Exemption from tolls.
80. Marching money on discharge.
81. Penalties upon civil subjects offending against the laws relating to billets and carriages.
82. Penalty upon officers of marines so offending.
83. Penalty for forcible entry in pursuit of deserters without warrant.
84. Penalty for purchasing clothes, &c. from any marine.
85. Penalty on unlawful recruiting.
86. Penalty on killing game without leave.
87. Limitations of actions.
88. Recovery of penalties.
89. Appropriation of penalties.
90. Licenses of canteens.
91. Mode of recording a marine's settlement.
92. Liability of marine to maintain wife and children.
93. Administration of oaths. Perjury.
94. Definition of terms. Marines not to be billeted in private houses, &c.
95. Repeal of sect. 2. and Schedule A. of 10 & 11 Vict. c. 63.
96. Duration of Act.
SCHEDULE.

CHAPTER 9.

An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore. [7th April 1876.] A.D. 1876.

WHEREAS it is judged necessary for the safety of the United Kingdom, and the defence of the possessions of this realm, that a body of Royal Marine forces should be employed in Her Majesty's fleet and naval service, under the direction of the Lord High Admiral of the United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid:

And whereas the said forces may frequently be quartered or be on shore, or sent to do duty or be on board transport ships or merchant ships or vessels, or ships or vessels of Her Majesty, or other ships or vessels, or they may be under other circumstances in which they will not be subject to the laws relating to the government of Her Majesty's forces by sea:

And whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgment of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite for the retaining of such forces in their duty that an exact discipline be observed, and that marines who shall mutiny or stir up sedition, or shall desert Her Majesty's service, or be guilty of any other crime or offence in breach of or to the prejudice of good order and discipline, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Lord High Admiral, &c. to make

1. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, from time to time to make, ordain, alter, and establish rules and

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Articles for the punishment of mutiny, desertion, &c.

Articles of War, under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the better government of Her Majesty's Royal Marine forces, and for the punishment of mutiny, desertion, immorality, breach of discipline, misbehaviour, neglect of duty, and any other offence or misconduct of which they shall be guilty, in any place on shore or afloat in or out of Her Majesty's dominions, or at any time when or under any circumstances in which they shall not be amenable to the laws for the government of Her Majesty's ships, vessels, and forces by sea, and for regulating the proceedings of courts-martial, which rules and articles shall be judicially taken notice of by all judges and in all courts whatsoever; and copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the time being (certified under his hand) to the judges of Her Majesty's superior courts at Westminster, Dublin, and Edinburgh respectively, and also to the governors of Her Majesty's dominions abroad; provided that no person within the United Kingdom of Great Britain and Ireland or within the British Isles shall by such Articles of War be subject to suffer any punishment extending to life or limb, or to be kept in penal servitude, except for crimes which are by this Act expressly made liable to such punishment as aforesaid, or shall be subject, with reference to any crimes made punishable by this Act, to be punished in any manner which may be inconsistent with the provisions of this Act.

As to offences against former Mutiny Acts and Articles of War.

2. All crimes and offences committed against any former Act made for the regulation of the Royal Marine forces while on shore, or against any of the rules, regulations, or Articles of War made and established by virtue of the same, may, during the continuance of this Act, be tried, inquired of, and punished in like manner as if they had been committed against this Act; and every warrant for holding any court-martial under any former Act shall remain in full force notwithstanding the expiration of such Act; and all proceedings of any court-martial upon any trial begun under the authority of such former Act shall not be discontinued by the expiration of the same: Provided always, that no person shall be liable to be tried and punished for any offence against any of the said Acts or Articles of War which shall appear to have been committed more than three years before the date of the commission or warrant for such trial, unless the person accused, by reason of his having absented himself, or of some other manifest impediment, shall not have been amenable to justice within that period, in which case such person shall be liable to be tried at any time not exceeding two years after the

Limitation as to time.

impediment shall have ceased; and provided also, that if any officer or marine in any place beyond the seas shall commit any of the offences punishable by court-martial under this Act, and shall escape and come or be brought into this realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such offence had been committed within this realm.

Provisions of this Act to extend to Jersey, &c.

3. This Act shall extend to the islands of Jersey, Guernsey, Alderney, Sark, and Man, and the islands thereto belonging, as to the provisions herein contained for enlisting of recruits, whether minors or of full age, and swearing and attesting such recruits, and for mustering and paying, and to the provisions for trial and punishment of officers and marines who shall be charged with mutiny and desertion or any other of the offences which are by this Act declared to be punishable by the sentence of a court-martial, and also to the provisions which relate to the punishment of persons who shall conceal deserters, or shall knowingly buy, exchange, or otherwise receive any arms, medals for good conduct or for distinguished or other service, clothes, military furniture, or regimental necessaries from any marine or deserter, or who shall cause the colour of any such clothes to be changed; and also to the provisions for exempting marines from being taken out of Her Majesty's service for not supporting or for leaving chargeable to any parish any wife or child or children, or on account of any breach of contract to serve or work for any employer, or on account of any debts under thirty pounds in the said islands.

The ordinary course of law not to be interfered with.

4. Nothing in this Act contained shall be construed to extend to exempt any officer or marine from being proceeded against by the ordinary course of law when accused of felony or misdemeanor, or of any misdemeanor other than the misdemeanor of refusing to comply with an order of justices for the payment of money; and any commanding officer who shall neglect or refuse, when due application shall be made to him for that purpose, to deliver over to the civil magistrate any officer or marine, or who shall wilfully obstruct, neglect, or refuse to assist any peace officer in apprehending any such offender, shall, upon conviction thereof in any of Her Majesty's courts at Westminster, Dublin, or Edinburgh, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any civil or military office or employment in Her Majesty's service; and a certificate of such conviction shall be transmitted to the Secretary of the Admiralty.

No person tried by civil

5. No person subject to this Act having been acquitted or convicted of any crime or offence by the civil magistrate or by the

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power to be punished by court-martial for same offence except by cashiering, &c.

verdict of a jury shall be liable to be again tried for the same crime or offence by a court-martial, or to be punished for the same otherwise than by cashiering in the case of a commissioned officer, or in the case of a warrant officer by reduction to an inferior class, or to the rank of a private marine, by order of the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or in the case of a non-commissioned officer, by reduction to the ranks, by order of the commandant of the division to which such non-commissioned officer may belong; and whenever any officer or marine shall have been tried before a court of ordinary criminal jurisdiction, the clerk of the court or other officer having the custody of the records of such court, or the deputy of such clerk, shall, if required by the officer commanding the division to which such officer or marine belongs, transmit to him a certificate containing the substance and effect only, omitting the formal part, of the indictment, conviction, and entry of judgment thereon or acquittal of such officer or marine, and shall be allowed for such certificate a fee of three shillings.

Marines to be subject to the discipline of the navy while on board ship.

6. All of Her Majesty's Royal Marine forces shall, during the time they shall be respectively borne on the books of or be on board any of Her Majesty's ships or vessels in commission, either as part of the complement or as supernumeraries, or otherwise, be subject and liable in every respect to the laws for the government of Her Majesty's forces by sea, and to the rules and discipline of the Royal Navy for the time being, and shall and may be proceeded against and punished for offences committed by them whilst so borne or on board, in the same manner as the officers and seamen employed in the Royal Navy may be tried or punished; except when and so long as any marine officers or marines shall be landed from any of Her Majesty's ships, and be employed in military operations on shore, and when on such occasions the senior naval officer present shall deem it expedient to issue an order declaring that such marine officers and marines shall during such employment on shore be subject to the regulations of this Act, in which cases, and while such order shall remain in force, they shall be subject to such regulations, and be tried and punished under this Act accordingly for any offences to be committed by them while so on shore; and, with or without any commission or warrant from the said Lord High Admiral or the said Commissioners for that purpose, the officer commanding in chief or commanding for the time being any such marine officers or marines shall have power and authority to convene, and to authorise any officer to convene, courts-martial under this Act, as occasion may require, for the trial of offences

committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command: Provided always, that if any marine officer or marine so borne on the books of any of Her Majesty's ships or otherwise shall commit any offence for which he shall not be amenable to a naval court-martial, he may be tried and punished for the same in the same manner as other officers or marines may be tried and punished for the like offences under the authority of this Act; or if the Commissioners for executing the office of Lord High Admiral aforesaid so direct, he may be so tried and punished for any offence committed by him on shore, whether he be or be not amenable to a naval court-martial for the same.

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Power to Lord High Admiral, &c. to grant commissions for holding general courts-martial, &c.

7. It shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral aforesaid, from time to time to grant commissions or warrants under the hand of the said Lord High Admiral, or under the hands of any two or more of the said Commissioners, for the holding of general and other courts-martial within the United Kingdom of Great Britain and Ireland, and elsewhere out of the same, in like manner as has been heretofore used, and for bringing offenders against this Act and the Articles of War to justice, and to erect and constitute courts-martial, as well within the said United Kingdom and the British Isles as in any of Her Majesty's garrisons or dominions or elsewhere beyond the seas, and to grant commissions or warrants to the officer or officers commanding in chief or commanding for the time being any of Her Majesty's Royal Marine forces, as well within the said United Kingdom as Her Majesty's other dominions, and in any foreign parts out of the same dominions, for convening, as well as for authorising any officer to convene, courts-martial, as occasion may require, for the trial of offences committed by any of the Royal Marine forces, whether the same shall have been committed before or after such officer shall have taken upon himself such command, or before or after any such commission or warrant shall be granted, provided that the officer so authorised be not below the degree of a field officer, except in detached situations beyond seas, where a captain may be authorised to convene district or garrison courts-martial; and any person subject to this Act who shall, in any of Her Majesty's dominions or elsewhere, commit any of the offences for which he may be liable to be tried by court-martial by virtue of this Act or of the Articles of War, may be tried and punished for the same in any part of Her Majesty's dominions, or other place where he may have

Place where offenders may be tried.

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come or be after the commission of the offence, as if the offence had been committed where such trial shall take place.

Power of general courts-martial.

8. Every general court-martial convened within the United Kingdom or the British Isles shall consist of not less than nine commissioned officers, each of whom shall have held a commission for three years before the date of the assembly of the court. Every general court-martial shall have power to sentence any officer of marines or marine to suffer death, penal servitude, imprisonment, forfeiture of pay or pension, or any other punishment which shall accord with the usage of the service; but no sentence of death by a court-martial shall pass unless two thirds at least of the officers present shall concur therein. No sentence of penal servitude shall be for a period of less than five years, and no sentence of imprisonment shall be for a period longer than two years.

Powers of district or garrison courts-martial.

9. Every district or garrison court-martial convened within the United Kingdom or the British Isles shall consist of not less than seven commissioned officers, and shall have the same power as a general court-martial to sentence any marine to such punishments as shall accord with the provisions of this Act; provided that the sentence of a district or garrison court-martial shall be confirmed by the general officer, governor, or senior officer in command of the district, garrison, island, or colony, and that no such district or garrison court-martial shall have power to try a commissioned officer, or to pass any sentence of death or penal servitude.

Powers of divisional and detachment courts-martial.

10. A divisional or detachment court-martial shall consist of not less than five commissioned officers, unless it be found impracticable to assemble that number, in which case three shall be sufficient, and shall have power to sentence any marine to corporal punishment or to imprisonment, and forfeiture of pay, in such manner as shall accord with the provisions of this Act.

Courts-martial on line of march or in transport ships, &c.

11. In cases of mutiny and insubordination accompanied with personal violence or of other offences committed on the line of march, or on board any transport ship, convict ship, or merchant vessel, the offender may be tried by a divisional or detachment court-martial, and the sentence may be confirmed and carried into execution on the spot by the officer in immediate command, provided that the sentence shall not exceed that which a divisional court-martial is competent to award.

Powers of detachment

12. It shall be lawful for any officer commanding any detachment or portion of Her Majesty's Royal Marine forces, upon com-

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general courts-martial.

plaint made to him of any offence committed against the property or person of any inhabitant of or resident in any country in which Her Majesty's Royal Marine forces are so serving by any person under the immediate command of any such officer, to summon and cause to be assembled a detachment general court-martial, which shall consist of not less than three commissioned officers, for the trial of any such person, notwithstanding such officer shall not have received any warrant empowering him to assemble courts-martial; and every such court-martial shall have the same powers in regard to summoning and examining witnesses, trial of and sentence upon offenders, as are granted by this Act to general courts-martial: Provided always, that no sentence of any such detachment court-martial shall be executed until the officer commanding the army to which the division, brigade, detachment, or party to which any person so tried shall belong shall have approved and confirmed the same.

Officers of the marine and land forces may sit in conjunction on courts-martial.

13. When it is necessary or expedient, a court-martial composed exclusively of officers of the Royal Marines, or a court-martial composed of officers of Her Majesty's Army, or of Her Majesty's Indian Army, or of both or of either, together with officers of the Royal Marines, whether the commanding officer by whose order such court-martial is assembled belongs to the land or to the marine forces, may try a person belonging to any one of the said three services; provided that when the person to be tried shall belong to Her Majesty's Royal Marine forces, then the provisions of this Act, or of such Act as shall be then and there in force for the regulation of Her Majesty's Royal Marine forces while on shore, and the oaths therein respectively prescribed, and the Rules and Articles of War relating to the Royal Marines then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; but where the person to be tried shall belong to Her Majesty's Army, or shall belong to Her Majesty's Indian Army, and be within the United Kingdom, then the proceedings of such court shall be regulated as if the court were composed of officers of Her Majesty's Army only, and the provisions of the Act then and there in force for the punishment of mutiny and desertion, and for the better payment of the army and their quarters, and the oaths therein prescribed, and the Rules and Articles of War relating to Her Majesty's Army then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto; and where the person to be tried shall belong to Her Majesty's Indian Army, and be out of the United Kingdom, the provisions of such

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Act or Acts as shall be then and there in force for punishing mutiny and desertion of officers and soldiers in Her Majesty's Indian Army, and the Rules and Articles of War, if any, relating to such officers and soldiers then and there in force, shall be applicable to such court, and the proceedings thereof and relating thereto.

If no superior officer of land forces is present in command of a district, &c., an officer of marines may convene a court-martial.

14. Provided there be no superior officer of Her Majesty's land forces present in command of a district, garrison, station, or place where marines may be serving, it shall be lawful for any officer of the Royal Marine corps of the degree of a field officer, and holding a commission from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for that purpose, but not otherwise, to convene or assemble a district or garrison court-martial, to be composed as before stated, and for such court to proceed to try any marine or marines below the rank of commissioned officer for any of the offences cognizable by a district or garrison court-martial; but the sentence so awarded by any such court shall not be carried into effect until the senior officer of the Royal Marines in the district, garrison, station, or place, not being a member of the court, shall have confirmed the same: Provided always, that if there be any such superior officer of Her Majesty's land forces present in command of the district, garrison, station, or place where marines may be, in such case it shall be lawful for him to convene or assemble such district or garrison court-martial for the trial of any marine or marines below the rank of a commissioned officer, and for such court-martial to try any such marine or marines in conformity with the provisions of this Act and the Articles of War to be made in pursuance hereof; but the sentence which may be awarded by any such court which may be convened or assembled by any such superior officer shall not be carried into effect until such superior officer shall have confirmed the same.

President of courts-martial.

15. The president of every court-martial shall be appointed by or under the authority of the officer convening such courts, and shall in no case be the confirming officer, or the officer whose duty it has been to investigate the charges on which the prisoner is to be arraigned, nor, in the case of a general court-martial, under the degree of a field officer, unless where a field officer cannot be had, nor in any case whatsoever under the degree of a captain, save in the case of a detachment general court-martial holden out of Her Majesty's dominions, or of a divisional or detachment court-martial holden on the line of march, or on board a transport ship, convict ship, merchant

vessel, or troop ship not in commission, or on any foreign station where a captain cannot be had: Provided always, that in the case of a detachment general court-martial holden out of Her Majesty's dominions the officer convening such court may be the president thereof. A.D. 1876.

16. In all trials by court-martial, as soon as the president and other officers appointed to serve thereon shall be assembled, their names shall be read over in the hearing of the prisoner, who shall thereupon be asked if he objects to being tried by the president or by any of such officers, and if the prisoner shall then object to the president, such objection, unless disallowed by two thirds at least of the other officers appointed to form the court, shall be referred to the decision of the authority by whom such president shall have been appointed; but if he object to any officer other than the president, such objection shall be decided by the president and the other officers so aforesaid appointed to form the court; and when the place of the president or other officer in respect of whom any challenge shall have been made and allowed shall be supplied by some officer in respect of whom no challenge shall be made or allowed, or if no challenge whatever shall have been made, or, if made, not allowed, the president and the other officers composing a general court-martial shall take the oaths in the schedule to this Act annexed before the judge advocate or his deputy or person officiating as judge advocate, and on trials by other courts-martial before the president of such court, who are hereby respectively authorised to administer the same, and any sworn member may administer the oath to the president; and as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorised and required to administer to the judge advocate, or the person officiating as such, the oath in the schedule to this Act annexed; and no proceeding or trial shall be had upon any offence but between the hours of eight of the clock in the morning and four in the afternoon, except in cases which require an immediate example, and except in the East Indies, where such proceedings or trial may be had between the hours of six in the morning and four in the afternoon. Proceedings at trial.

17. All general and other courts-martial shall have power and authority and are hereby required to administer an oath to every witness or other person who shall be examined before such court in any matter relating to any proceeding before the same; and every person, as well civil as military, who may be required to give or produce evidence before a court-martial, shall, in the case of general courts-martial, be summoned by the judge advocate, or the person officiating as such, and in the case of all other Swearing and summoning witnesses.

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courts-martial by the president of the court; and all persons so summoned and attending as witnesses before any court-martial shall, during their necessary attendance in or on such courts, and in going to and returning from the same, be privileged from arrest, and shall, if unduly arrested, be discharged by the court out of which the writ or process issued by which such witness was arrested; or if such court be not sitting, then by any judge of the superior courts of Westminster or Dublin, or of the Court of Session in Scotland, or of the courts of law in the East or West Indies, or elsewhere, according as the case shall require, upon its being made to appear to such court or judge by any affidavit in a summary way that such witness was arrested in going to, attending upon, or returning from or attending upon such court-martial; and all witnesses so duly summoned as aforesaid who shall not attend on such courts, or attending shall refuse to be sworn, or not produce the documents being under their power or control required to be produced by them, or, being sworn, shall refuse to give evidence or to answer all such questions as the court may legally demand of them, shall be liable to be attached in the High Court of Justice in London or in the Court of Queen's Bench in Dublin, or in the Court of Session, sheriff or stewart courts in Scotland, or in the courts of law in the East or West Indies, or in any of Her Majesty's colonies, garrisons, or dominions in Europe or elsewhere, respectively, upon complaint made, in like manner as if such witness had, after being duly summoned or subpœnaed, neglected to attend on a trial in any proceeding in the court in which such complaint shall be made.

Oath to be administered to shorthand writer.

It shall be lawful for the president of any court-martial to administer an oath to a shorthand writer to take down, according to the best of his power, the evidence to be given before the court.

No second trial, but revision allowed.

18. No officer or marine who shall be acquitted or convicted of any offence shall be liable to be tried a second time by the same or any other court-martial for the same offence; and no finding, opinion, or sentence given by any court-martial, and signed by the president thereof, shall be revised more than once, nor shall any additional evidence in respect of any charge on which the prisoner then stands arraigned be received by the court on any revision.

Crimes punishable with death.

19. If any person who is or shall be commissioned or in pay as an officer of Royal Marines, or who is or shall be listed or in pay as a non-commissioned officer, drummer, or private man in Her Majesty's Royal Marine forces, shall at any time during the continuance of this Act, while on shore in any place within the said kingdom, or in any other of Her Majesty's dominions, or in

any foreign parts out of such dominions, or on board any transport ship, or merchant ship or vessel, or any ship or vessel of Her Majesty, or on board any convict hulk or ship, or any other ship or vessel, or in any place whatever, where or while being in any circumstances in which he shall not be subjected to, or not be liable to or punishable by, the laws relating to the government of Her Majesty's forces by sea, begin, excite, cause, or join in any mutiny or sedition in Her Majesty's marine or other forces, or shall not use his utmost endeavours to suppress any such mutiny or sedition, or shall conspire with any other person to cause a mutiny, or coming to the knowledge of any mutiny or intended mutiny shall not without delay give information thereof to his commanding officer; or shall misbehave himself before the enemy; or shall shamefully abandon or deliver up any garrison, fortress, post, or guard committed to his charge, or which he shall have been commanded to defend; or shall compel the governor or commanding officer of any garrison, fortress, or post to deliver up to the enemy or to abandon the same; or shall speak words or use any other means to induce such governor or commanding officer or any other to misbehave before the enemy, or shamefully to abandon or deliver up any garrison, fortress, post, or guard committed to their respective charge, or which he or they shall be commanded to defend; or shall leave his post before being regularly relieved, or shall sleep on his post; or shall hold correspondence with or give advice or intelligence to any rebel, pirate, or enemy of Her Majesty, either by letters, messages, signs, tokens, or any other ways or means whatever; or shall treat or enter into any terms with any such rebel, pirate, or enemy, without the license of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the office of Lord High Admiral aforesaid, for the time being; or shall strike or use or offer any violence against his superior officer being in the execution of his office, or shall disobey any lawful command of his superior officer; or who being confined in a military prison shall offer any violence against a visitor or other officer being in the execution of his office, or shall violate any law or regulation of or relating to any military prison; or shall desert or attempt to desert from Her Majesty's Royal Marine forces; every person so offending in any of the matters before mentioned, whether such offence be committed within this realm, or in any other of Her Majesty's dominions, or in foreign parts upon land or upon the sea, shall suffer death or penal servitude or such other punishment as by a court-martial shall be awarded: Provided always, that any non-commissioned officer or marine in pay in any division or

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company who shall, without having first obtained a regular discharge therefrom, enlist himself in any other division or company, or in any other branch of Her Majesty's service, may be deemed to have deserted Her Majesty's service, and shall be liable to be punished accordingly.

Commutation of death for penal servitude or imprisonment, &c.

20. In all cases where the punishment of death shall have been awarded by a general court-martial or by a detachment general court-martial it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the commanding officer having authority to confirm the sentence, instead of causing such sentence to be carried into execution, to order the offender to be kept to penal servitude for any term not less than five years, or to suffer such term of imprisonment, with or without hard labour, and with or without solitary confinement, as shall seem meet to Her Majesty or to the officer commanding as aforesaid.

Embezzlement punishable by penal servitude, imprisonment, &c.

21. Any officer or marine, or any person employed or in any way concerned in the care or distribution of any money, provisions, forage, arms, clothing, ammunition, or other stores belonging to any of Her Majesty's forces or for Her Majesty's use, who shall embezzle, fraudulently misapply, wilfully damage, steal, or receive the same knowing them to have been stolen, or shall be concerned therein or connive thereat, may be tried for the same by a general court-martial, and sentenced to be kept in penal servitude for any term not less than five years, or to suffer such punishment of fine, imprisonment with or without hard labour, dismissal from Her Majesty's service, reduction to the ranks, if a warrant or non-commissioned officer, as such court shall think fit, according to the nature and degree of the offence; and every such offender shall, in addition to any other punishment, make good at his own expense the loss and damage sustained; and in every such case the court is required to ascertain by evidence the amount of such loss or damage, and to declare by their sentence that such amount shall be made good by such offender; and the loss and damage so ascertained as aforesaid shall be a debt to Her Majesty, and may be recovered in any of Her Majesty's courts at Westminster or in Dublin, or the Court of Exchequer in Scotland, or in any court in Her Majesty's colonies where the person sentenced by such court-martial shall be resident after the said judgment shall be confirmed and made known, or the offender, if he shall remain in the service, may be put under stoppages not exceeding one half of his pay and allowances until the amount so ascertained shall be recovered.

As to execution of sentences

22. Whenever Her Majesty shall intend that any sentence of penal servitude heretofore or hereafter to be passed upon any offender

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of penal servitude in the United Kingdom.

by any court-martial shall be carried into execution for the term specified in such sentence, or for any shorter term, or shall be graciously pleased to commute as aforesaid to penal servitude any sentence of death which shall have been passed by any such court, such sentence, together with Her Majesty's pleasure upon the same, shall be notified in writing by the Lord High Admiral, or by the Secretary to the Admiralty for the time being, to any judge of the High Court of Justice, and thereupon such judge shall make an order for the penal servitude of such offender upon the terms and for the time which shall be specified in such notification, and shall do all such other acts consequent upon such notification as any such justice or baron is authorised to make or do by any statute or statutes in force at the time of making any such orders in relation to penal servitude of offenders; and such order, and other acts to be so made and done as aforesaid, shall be obeyed and executed by such person in whose custody such offender shall at that time be, and by all other persons whom it may concern, and shall be as effectual, and have all the same consequences, as any order made under the authority of any statute with respect to any offender in such statute mentioned; and every sheriff, gaoler, keeper, governor, or superintendent whom it may concern, and all constables and other persons, shall be bound to obey the aforesaid order and orders, be assistant in the execution thereof, and be liable to the same punishment for disobedience to or for interrupting the execution of such order, as they would be if the same had been made under the authority of any such Act of Parliament; and every person so ordered to be kept in penal servitude shall be subject respectively to all and every the penalties and provisions made by law and in force concerning persons under sentence of penal servitude, or receiving Her Majesty's pardon on condition of penal servitude; and from the time when such order of penal servitude shall be made every law and statute in force touching the escape of felons, or their afterwards returning or being at large without leave, shall apply to such offender, and to all persons aiding, abetting, contriving, or assisting in any escape or intended escape or the returning without leave of any such offender; and the judge who shall make any order of penal servitude as aforesaid shall direct the notification of Her Majesty's pleasure, and his own order made thereupon, to be filed and kept of record in the office of the Clerk of the Crown of the Queen's Bench Division of the said High Court of Justice: and the said clerk shall have a fee of two shillings and sixpence only for filing the same, and shall, on application, deliver a certificate in writing (not taking more

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than two shillings and sixpence for the same) to such offender, or to any person applying in his or Her Majesty's behalf, showing the Christian and surname of such offender, his offence, the place where the court was held before which he was convicted, the sentence, and the conditions on which the order of penal servitude was made; which certificate shall be sufficient proof of the conviction and of the sentence of such offender, and also of the terms in which such order for his penal servitude was made, in any court and in any proceeding wherein it may be necessary to inquire into the same; and it shall be lawful for any judge of the Queen's Bench, Common Pleas, or Exchequer in Ireland to make an order that any such offender convicted in Ireland shall be kept in penal servitude in England, and such order shall be in all respects as effectual in England as though such offender had been convicted in England and the order had been made by any judge of the High Court of Justice in England.

As to execution of sentences in the colonies.

23. Whenever any sentence of penal servitude heretofore or hereafter passed upon any offender by any court-martial holden in any part of Her Majesty's foreign dominions, or elsewhere beyond the seas, is to be carried into execution for the term specified in such sentence, or for any shorter term, or when sentence of death passed by any such court-martial has been or shall as aforesaid be commuted to penal servitude, the same shall be notified by the officer commanding Her Majesty's forces at the presidency or station where the offender may come or be, if in India to the chief judge or any judge of the chief civil court of the presidency or province in which the court-martial has been held; and if in any other part of Her Majesty's foreign dominions, to the chief justice or some other judge therein, who shall make order for the penal servitude or intermediate custody of such offender; and upon any such order being made it shall be duly notified to the governor of the presidency if in the East Indies, or to the governor of the colony if in any of Her Majesty's colonies, or to the person who shall for the time being be exercising the office of governor of such presidency or colony, who on receipt of such notification shall cause such offender to be removed or sent to some other colony or place, or to undergo his sentence within the presidency or colony where the offender was so sentenced or where he may come or be as aforesaid in obedience to the directions for the removal and treatment of convicts which shall from time to time be transmitted from Her Majesty through one of her Principal Secretaries of State to such presidency or colony; and such offender shall, according to such directions, undergo the sentence of penal

servitude which shall have been passed upon him either in the presidency or colony in which he has been so sentenced or in the colony or place to which he has been so removed or sent, and whilst such sentence shall remain in force shall be liable to be imprisoned and kept to hard labour, and otherwise dealt with under such sentence, in the same manner as if he had been sentenced to be imprisoned with hard labour during the term of his penal servitude by the judgment of a court of competent jurisdiction in such presidency or colony or in the colony or place to which he has been so removed or sent respectively.

Sentence of penal servitude may be commuted for imprisonment.

24. In any case where a sentence of penal servitude shall have been awarded by a general or detachment general court-martial, it shall be lawful for Her Majesty, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, instead of causing such sentence to be carried into execution, to order that the offender be imprisoned, with or without hard labour, and with or without solitary confinement, for such term not exceeding two years as shall seem meet to Her Majesty or to the officer commanding as aforesaid.

Of forfeitures, when combined with penal servitude.

25. Where an award of any forfeiture, or of deprivation of pay, or of stoppages of pay shall have been added to any sentence of penal servitude, it shall be lawful for the said Lord High Admiral or the said Commissioners, or, if in any place out of the United Kingdom or British Isles, for the officer commanding in chief Her Majesty's forces there serving, in the event of the sentence being commuted for imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Disposal of convict after sentence of penal servitude.

26. When any sentence of death shall be commuted for penal servitude, or when any marine shall by court-martial be adjudged to penal servitude as authorised by this Act, it shall be lawful for the commanding officer of the division to which such marine shall have belonged or may belong to cause him to be detained and conveyed to any gaol or prison, there to remain in safe custody until he shall be removed therefrom by due authority under an order for his penal servitude to be made by some judge of the High Court of Justice as aforesaid; and a certificate of his sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, (such certificate to be signed by the commanding officer of the division from which he shall be sent,) shall be a sufficient order, requisition, and authority to

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the governor, keeper, or superintendent of the gaol or prison to receive and detain him: Provided always, that in case of any such offender being so conveyed to gaol or prison the usual allowance of sixpence per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, shall be made to the keeper of the gaol or prison for the subsistence of such offender during his detention therein, which allowance shall be paid by the paymaster of the division, upon production to him, by the said governor, keeper, or superintendent, of a declaration, to be made by him before one of Her Majesty's justices of the peace of such county, of the number of days during which the offender shall have been so detained and subsisted in such gaol or prison.

Power to inflict corporal punishment in certain cases.

27. No court-martial shall, for any offence whatever committed in time of peace within the Queen's dominions, have power to sentence any marine to corporal punishment: Provided that any court-martial may sentence any marine to corporal punishment while on active service in the field, or on board any ship not in commission, for mutiny, insubordination, desertion, drunkenness on duty or on the line of march; and no sentence of corporal punishment shall exceed fifty lashes.

Power to inflict corporal punishment and imprisonment.

28. It shall be lawful for any general, district, or garrison court-martial to award imprisonment, with or without hard labour, and with or without solitary confinement, such confinement not exceeding the periods prescribed herein-after or by the Articles of War, and in case of a marine in addition to corporal punishment.

Power to commute corporal punishment.

29. In all cases in which corporal punishment shall form the whole or part of the sentence awarded by any court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of Great Britain and Ireland, or the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or for the officer authorised to confirm the sentences of courts-martial, to commute such corporal punishment to imprisonment for any period not exceeding forty-two days, with or without hard labour, and with or without solitary confinement, or to mitigate such sentence, or instead of such sentence to award imprisonment for any period not exceeding twenty days, with or without hard labour, and with or without solitary confinement, and corporal punishment, to be inflicted in the prison, not exceeding twenty-five lashes, and the solitary confinement herein-before mentioned shall in no case exceed seven days at a time, with intervals of not less than seven days between each period of such confinement.

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30. It shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of army or regimental rank, or both, as may be deemed expedient.

Power to commute a sentence of cashiering.

31. Any general court-martial may, in addition to any other punishment which such court may award, sentence any offender to forfeiture of all advantage as to additional pay, good-conduct pay, and to pension on discharge, which might have otherwise accrued from the length of his former service, or to forfeiture of such advantage absolutely, whether it might have accrued from past service, or might accrue from future service, or to forfeiture of any annuity and medal which may have been granted for former meritorious service, or of the gratuity and medal awarded for former good conduct, and of all medals and decorations, according to the nature of the case; and any district or garrison court-martial may also, in addition to any punishment which such court may award, sentence any offender to such forfeiture for desertion, or for disgraceful conduct,

Forfeiture of pay and pension by sentence of court-martial.

In wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or of causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service:

In wilfully doing any act, or wilfully disobeying any orders, whether in hospital or otherwise, thereby producing or aggravating disease or infirmity, or delaying his cure:

In malingering or feigning disease:

In tampering with his eyes, with intent thereby to render himself unfit for service:

In stealing or embezzling Government property or stores, or in receiving the same knowing the same to have been stolen:

In stealing any money or goods the property of a comrade, of a marine officer, or of any marine mess or band, or in receiving any such money or goods knowing the same to have been stolen:

In making any false or fraudulent accounts, returns, matters, or entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public money intrusted to him:

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Or in committing any other offence of a felonious or fraudulent nature, to the injury of, or with intent to injure, any person, civil, marine, or military:

Or for any other disgraceful conduct, being of a cruel, indecent, or unnatural kind.

Forfeiture of pay on conviction of desertion or felony.

32. Every marine found guilty by a court-martial of the following offences:—

Desertion, wilfully maiming or injuring himself or any other marine, whether at the instance of such other marine or not, or causing himself to be maimed or injured by any other person, with intent thereby to render himself or such other marine unfit for service; tampering with his eyes with intent thereby to render himself unfit for service, such finding having been confirmed:

And every marine who may have been sentenced to penal servitude, or who has been discharged with ignominy:

And every marine who has been found guilty of felony in any court of ordinary criminal jurisdiction in England or Ireland, or of any crime or offence in any court of criminal judicature in any part of the United Kingdom, or in any dominion, territory, colony, settlement, or island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed in England, amount to felony, if the commissioners for executing the office of Lord High Admiral shall so direct:

shall thereupon forfeit all advantage as to good-conduct pay and pension on discharge which might have otherwise accrued from the length of his former service:

Also all salvage, prize money, and allowances that have been earned by him:

Also all medals and decorations whatsoever which he may be in possession of and authorised to wear, together with the annuity or gratuity (if any) thereto appertaining.

And any sergeant reduced to the ranks by sentence of court-martial may, by the order of the same court, be made to forfeit any annuity or pension, and medal for meritorious service, or any or either of them, which may have been conferred upon him.

Forfeiture of pay when in confinement;

33. If any non-commissioned officer or marine, by reason of his imprisonment, whether under sentence of a court-martial or of any other court duly authorised to pass such sentence, or by reason of his confinement for debt, or by reason of his desertion, or, being an apprentice, by reason of his being allowed to serve out

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his time with his master, shall have been absent from his duty during any portion of the time limited by his enlistment or re-engagement or prolongation of service, as herein-after provided, such portion of his time shall not be reckoned as a part of the limited service for which such non-commissioned officer or marine was enlisted or re-engaged, or for which his time of service may have been prolonged; and no marine shall be entitled to pay, or to reckon service towards pay or pension, when in confinement under a sentence of any court, or during any absence from duty by commitment or confinement as a deserter by confession or under any charge of which he shall be afterwards convicted, either by court-martial or by any court of ordinary criminal jurisdiction, or whilst in confinement for debt; and when any marine shall be absent as a prisoner of war he shall not be entitled to pay, or to reckon service towards pay or pension, for the period of such absence, but upon rejoining Her Majesty's service due inquiry shall be made by a court-martial, and unless it shall be proved to the satisfaction of such court that the said marine was taken prisoner through wilful neglect of duty on his part, or that he had served with or under, or in some manner aided, the enemy, or that he had not returned as soon as possible to Her Majesty's service, he may thereupon be recommended by such court to receive either the whole of such arrears of pay, or a proportion thereof, and to reckon service during his absence; and any marine who shall be convicted of desertion, or of absence without leave, shall, in addition to any punishment awarded by the court, forfeit his pay for the day or days during which he was in a state of desertion, or during his absence without leave; and if any marine shall absent himself without leave for any period, and shall not account for the same to the satisfaction of the commanding officer, or if any marine shall be guilty of any other offence which the commanding officer may not think necessary to bring before a court-martial, the commanding officer may, in addition to any minor punishment he is authorised to award, order that such marine shall be imprisoned for such period not exceeding one hundred and sixty-eight hours, with or without hard labour, and with or without solitary confinement, as the said commanding officer may think fit, and such marine shall forfeit his pay for any day or days on which he may be so imprisoned; and the said commanding officer may moreover order that, in addition to or instead of such imprisonment and forfeiture, or any other punishment which he has authority to inflict, any marine who shall have so absented himself as aforesaid shall forfeit his pay for the day or days during which he shall have so absented himself; and, in pursuance of any such order as aforesaid,

or during absence on commitment under a charge, or in arrest for debt;

or when prisoner of war;

or when convicted of desertion or absence without leave;

or when absent without leave.

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the pay of the marine shall be accordingly forfeited: Provided always, that such marine shall not be liable to be afterwards tried by a court-martial for any offence for which he shall have been so punished, ordered to suffer imprisonment, punishment, or forfeiture as last aforesaid: Provided also, that any marine who shall be so ordered to suffer imprisonment or forfeiture of pay shall, if he so request, have a right to be tried by a court-martial for his offence instead of submitting to such imprisonment or forfeiture: Provided also, that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the payment of the whole or any part of the pay of any officer or marine during the period of absence by any of the causes aforesaid.

Stoppages.

34. In addition to any other punishment which the court may award, a court-martial may further direct that any offender may be put under stoppages until he shall have made good—

Any money or articles issued to him in respect of his fraudulent enlistment, or by reason of any fraudulent misrepresentation or concealment on his part:

Any loss, disposal of, or damage occasioned by him in any of the instances of disgraceful conduct herein specified:

Any loss, disposal of, or destruction of, or damage or injury to any property whatsoever, occasioned by his wilful or negligent misconduct:

Any loss, disposal of, or destruction of, or damage or injury to, his arms, clothing, instruments, equipments, accoutrements, or necessaries, or any extra article of clothing or equipment that he may have been put in possession of and ordered to wear on the recommendation of the surgeon for the benefit of his health, or making away with or pawning any medal or decoration for service or for general good conduct which may have been granted to him by order of Her Majesty or by order of the East India Company, or any medal or decoration which may have been granted to him by any foreign power, or any loss, disposal of, or destruction of, or damage or injury to the arms, clothing, instruments, equipments, accoutrements, or necessaries of any officer or marine, occasioned by his wilful or negligent misconduct:

Any expense necessarily incurred by his drunkenness or other misconduct:

Provided always, that, except in the case of the loss, disposal of, or destruction of, or damage or injury to arms, clothing, instruments, equipments, accoutrements, or necessaries, in which case the court may by its sentence direct that the said stoppages shall continue till

the cost of replacing or repairing the same be made good, the amount of any loss, disposal, destruction, damage or injury, or expense, shall be ascertained by evidence, and the offender shall be placed under stoppages for such an amount only as shall be proved to the satisfaction of the court: Provided also, that when an offender is put under stoppages for making away with or pawning any medal or decoration, the amount shall be credited to the public, but the medal or decoration in question shall not be replaced, except under special circumstances, to be determined by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral aforesaid: Provided also, that so much only of the pay of the marine may be stopped and applied as shall, after satisfying the charges for messing and washing, leave him a residue at the least of one penny a day.

Discharge with ignominy.

35. Whenever any marine shall have been convicted of desertion or of any such disgraceful conduct as is herein-before described, and the court in respect of such disgraceful conduct shall have made the forfeiture of all claim to pension on discharge a part of the sentence passed on such marine, such court may further sentence him to be discharged with ignominy from Her Majesty's service: Provided always, where an award of any of the forfeitures herein-before mentioned, or of deprivation of pay, or of stoppages of pay, shall have been added to a sentence of transportation or penal servitude, it shall be lawful for the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral, or, if in the East Indies, for the officer commanding in chief Her Majesty's land forces in India, in the event of the sentence of transportation or penal servitude being commuted to imprisonment, to order such award of forfeiture, deprivation of pay, or stoppages of pay to be enforced, mitigated, or remitted as may be deemed expedient.

Power of imprisonment by general, district, or garrison courts-martial.

36. A general or district or garrison court-martial may sentence any marine to imprisonment, with or without hard labour, and may also direct that such offender shall be kept in solitary confinement for any portion or portions of such imprisonment, in no case exceeding fourteen days at a time, nor eighty-four days in any one year, with intervals between the periods of solitary confinement of not less duration than such periods; and when the imprisonment awarded shall exceed three months, the court-martial shall imperatively order that the solitary confinement shall not exceed seven days in any one month of the whole imprisonment awarded, with intervals between the periods of solitary confinement of not less duration than such periods.

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Power of imprisonment by divisional or detachment courts-martial.

37. Any divisional or detachment court-martial may sentence any marine to imprisonment, with or without hard labour, for any period not exceeding forty-two days, and may also direct that such marine be kept in solitary confinement for any portion or portions of such imprisonment, not exceeding fourteen days at a time, with intervals between them of not less duration than such periods of solitary confinement: Provided always, that when any court-martial, whether general, garrison, or district, or divisional or detachment, shall direct that the imprisonment shall be solitary confinement only, or when any sentence of corporal punishment shall have been commuted to imprisonment only, the period of such solitary confinement shall in no case exceed fourteen days.

Imprisonment of offender already under sentence.

38. Whenever sentence shall be passed by a court-martial on an offender already under sentence, either of imprisonment or of penal servitude, the court may award sentence of imprisonment or penal servitude for the offence for which he is under trial to commence at the expiration of the imprisonment or penal servitude to which he shall have been so previously sentenced, although the aggregate of the terms of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Whenever Her Majesty, the Lords Commissioners of the Admiralty, or any general or other officer authorised to confirm the sentences of courts-martial, shall commute a sentence of penal servitude or corporal punishment to imprisonment, and the offender whose sentence shall be so commuted shall at the time of such commutation be under sentence of imprisonment or penal servitude, it shall be lawful to direct that such commuted sentence of imprisonment shall commence at the expiration of the imprisonment or penal servitude to which such prisoner shall have been so previously sentenced, although the aggregate of the term of imprisonment or penal servitude respectively may exceed the term for which either of those punishments could be otherwise awarded.

Term and place of imprisonment.

39. Save as herein specially provided, every term of penal servitude or imprisonment under the sentence of a court-martial, whether original or revised, shall be reckoned as commencing on the day on which the original sentence and proceedings shall be signed by the president; and the place of imprisonment under the sentences of courts-martial shall be appointed by the court or the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the commanding officer of the division to which the offender belongs or is attached, or the officer commanding the district, garrison, island, or colony.

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Proviso for removal of prisoners.

40. In the case of a prisoner undergoing imprisonment under sentence of a court-martial, or as part of commuted punishment, in any public prison other than a military prison, or in any gaol or house of correction or elsewhere, in any part of the United Kingdom, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, for the time being, in all cases, or for the officer who confirmed the proceedings of the court, or the officer commanding the division or the district or garrison in which such prisoner may be, to give, as often as occasion may arise, an order in writing directing that the prisoner be discharged, or be delivered over to military custody, whether for the purpose of being removed to some other prison or place in the United Kingdom, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any public prison other than a military prison, or in any gaol or house of correction, in any part of Her Majesty's dominions other than the United Kingdom, it shall be lawful for the said Lord High Admiral or the said Commissioners, or for the officer commanding the Royal Marines there serving, in the case of any such prisoner, to give as often as occasion may arise an order in writing directing that the prisoner be discharged, or be delivered over to military or other custody, whether for the purpose of being removed to some other prison or place in any part of Her Majesty's dominions, there to undergo the remainder or any part of his sentence, or for the purpose of being brought before a court-martial either as a witness or for trial; and in the case of any prisoner who shall be removed by any such order from any such prison, gaol, or house of correction, either within the United Kingdom or elsewhere, to some other prison or place, either in the United Kingdom or elsewhere, the officer or authorities who gave such order shall also give an order in writing directing the governor, provost marshal, gaoler, or keeper of such other prison or place to receive such prisoner into his custody, and specifying the offence of which such prisoner shall have been convicted, and the sentence of the court, and the period of imprisonment which he is to undergo, and the day and the hour on which he is to be released; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be duly discharged or delivered over to other custody before the expiration of that time

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under an order duly made for that purpose; and in the case of a prisoner undergoing imprisonment under the sentence of a court-martial in any military prison in any part of Her Majesty's dominions, the Secretary of State for War, or the general officer commanding the district or station in which the prison may be situated, shall have the like powers in regard to the discharge and delivery over of such prisoners to military or other custody as may be lawfully exercised by any of the authorities above mentioned in respect of any prisoners undergoing confinement as aforesaid in any public prison other than a military prison, or in any gaol or house of correction in any part of Her Majesty's dominions; and such prisoner in any of the cases herein-before mentioned shall accordingly, on the production of any such order as is herein-before mentioned, be discharged or delivered over, as the case may be: Provided always, that the time during which any prisoner under sentence of imprisonment by a court-martial shall be detained in such military or other custody under such order as aforesaid shall be reckoned as imprisonment under the sentence, for whatever purpose such detention shall take place, and such prisoner may during such time, either when on board ship or otherwise, be subjected to such restraint as is necessary for his detention and removal.

Custody of prisoners under military sentence in common gaols.

41. Every governor, provost marshal, gaoler, or keeper of any public prison, or of any gaol or house of correction, in any part of Her Majesty's dominions, shall receive into his custody any military offender under sentence of imprisonment by a general or other court-martial, upon delivery to him of an order in writing in that behalf from the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or from the officer commanding the division or detachment to which the offender belongs or did last belong or is attached, which order shall specify the period of imprisonment or remainder of imprisonment which the offender is to undergo, and the day and hour of the day on which he is to be released or be otherwise disposed of; and such governor, provost marshal, gaoler, or keeper shall keep such offender in a proper place of confinement, with or without hard labour, and with or without solitary confinement, according to the sentence of the court, and during the time specified in the said order, or until he be discharged or delivered over to other custody before the expiration of that time, under an order duly made for that purpose; and whenever marines are called out in aid of the civil power, or are stationed in billets, or are on the line of march, every governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement,

shall receive into his custody any marine for a period not exceeding seven days, upon delivery to him of an order in writing in that behalf from the officer commanding such marine; and any governor, provost marshal, gaoler, or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement who shall refuse to receive and to confine, or to discharge or deliver over, any marine offender in the manner herein prescribed, shall forfeit for every such offence the sum of one hundred pounds.

Subsistence of prisoners in common gaols.

42. The gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions shall diet and supply every marine imprisoned therein under the sentence of a court-martial or as a deserter with fuel and other necessaries according to the regulations of such place of confinement, and shall receive on account of every marine during the period of his imprisonment one shilling per diem, or such other sum as the said Lord High Admiral or the said Commissioners may at any time or times direct, which the Secretary of the Admiralty shall cause to be issued out of the subsistence of such marine, upon application in writing signed by any justice within whose jurisdiction such place of confinement shall be locally situated, together with a copy of the order of commitment, and which sum of one shilling per diem, or such other sum as aforesaid, shall be carried to the credit of the fund from which the expense of such place of confinement is defrayed. A sentence of imprisonment or of penal servitude passed either by a court-martial or by any court of criminal jurisdiction upon any person subject to this Act shall be in no respect affected by such person ceasing to be subject to this Act by discharge or otherwise at any time after the passing of such sentence; but the discharge of such person shall not be deemed in any manner to affect the provisions for the cost of his maintenance while undergoing a sentence of imprisonment or penal servitude, as otherwise enacted.

Notice to be given of expiration of imprisonment in common gaols.

43. Every gaoler or keeper of any public prison, gaol, house of correction, or other place of confinement, to whom any notice shall have been given, or who shall have reason to know or believe, that any person in his custody for any debt or contempt, or upon any charge or for any offence, civil, criminal, or military, is a marine, shall on receiving him into custody give notice thereof to the Secretary of the Admiralty, and also, previous to the expiration of the period of the confinement or imprisonment of such marine, give to the Secretary of the Admiralty one month's notice of the period of such expiration of confinement or imprisonment, or if there shall

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not be sufficient time for a month's notice, then the longest practicable notice thereof, specifying the day and hour of the day on and at which he is to be released; and for every default of giving either or any of such notices such gaoler or person shall forfeit the sum of twenty pounds; and moreover every gaoler or other person having such immediate inspection as aforesaid shall, as soon as any such marine shall be entitled to be discharged out of custody, with all convenient speed, safely and securely conduct and convey and safely and securely deliver every such marine either unto the officer commanding at the nearest head quarters of the Royal Marines or to the officer commanding Her Majesty's ship to which any such marine may happen to belong, unless the said Commissioners shall, by writing under the hand of the Secretary of the Admiralty, or the officer commanding at the nearest head quarters of the Royal Marines, or the officer commanding Her Majesty's ship to which any such marine may belong, shall, by writing under his hand, direct that such marine be delivered to some other officer or person, in which case he shall be delivered to such other officer or person accordingly, and the officer or person to whom such marine shall be so delivered in accordance with this Act shall thereupon give to such gaoler or person delivering up such marine a certificate, directed to the Secretary of the Admiralty, specifying the receipt of such marine, and, if such gaoler or other person as aforesaid has conducted or conveyed any such marine, specifying the place from and to which he shall have been conducted and conveyed as aforesaid; and such gaoler or person who shall have so conducted, conveyed, and delivered any such marine shall, upon the production of such certificate, be entitled to receive of and from the Accountant General of Her Majesty's Navy the sum of one shilling per mile, and no more, for conducting, conveying, and delivering any such marine as aforesaid; and every such gaoler or other person having such immediate inspection as aforesaid who shall not safely and securely conduct, convey, or deliver any such marine as aforesaid shall for every such misconduct or offence forfeit and pay the sum of one hundred pounds. In all cases where the marine in custody is under sentence to be discharged from the service on the completion of his term of imprisonment, and the discharge document is in the hands of the gaoler, such gaoler shall not be required to make any report thereof to the Secretary of the Admiralty or to the Deputy Adjutant General of Marines.

Military prisons established under any Act for punishing

44. Every military prison which shall be established under or by virtue of any Act for punishing mutiny and desertion, and for the better payment of the army and their quarters, shall be deemed to be public prisons within the meaning of any Act now in

force or hereafter to be in force for the regulation of Her Majesty's Royal Marine forces; and any officer or marine convicted by a court-martial may be sent, by order of the Commissioners for executing the office of Lord High Admiral, to any such military prison, there to undergo such punishment as may be awarded by the sentence passed upon him, or until he be discharged or delivered up by an order, as in the case of a discharge or removal from any other prison under this Act.

mutiny and desertion in the army to be deemed public prisons.

45. Musters, as have been customary, shall be taken of every division or company of Royal Marines once in every calendar month, as shall be appointed; and no officer or marine shall be absent from any such muster, unless duly certified to be employed on some other duty of the corps, or sick, or in prison, or on furlough; and every person belonging to Her Majesty's service who shall give or procure to be given any untrue certificate thereby to excuse any person from any muster or other service which he ought to attend or perform, or shall make any false or untrue muster of man or horse, or who shall willingly allow or sign any false muster or duplicate thereof, or shall directly or indirectly take or receive any money or gratuity for mustering any person, or for signing any muster roll or duplicate, or shall knowingly muster any person by a wrong name, shall, upon proof by two witnesses before a general court-martial, for any such offence be sentenced to be cashiered: Provided that it shall be lawful for Her Majesty, in all cases whatsoever, instead of causing a sentence of cashiering to be put in execution, to order the offender to be reprimanded, or, in addition thereto, to suffer such loss of rank as may be deemed expedient; and any person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any horse to be falsely mustered, shall, upon proof thereof by the oaths of two witnesses before some justice of the peace residing near to the place where such muster shall be made, forfeit the sum of twenty pounds, and the informer, if he belongs to Her Majesty's service, shall, if he demand it, be forthwith discharged; and if any person not belonging to Her Majesty's service shall give or sign any untrue certificate of illness or otherwise in order to excuse any officer or marine from appearance at any muster, or whereby Her Majesty's service may be defrauded, every person so offending shall for every such offence forfeit the sum of fifty pounds.

Musters, and penalty on false musters.

46. All muster rolls and pay lists of Royal Marines required to be verified upon oath shall be sworn before and attested by any justice of the peace, without fee or reward to himself or his clerk.

Verifying of muster rolls.

47. Every marine shall be liable to be tried and punished for desertion from any corps into which he may have unlawfully

Trials for desertion

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after subsequent re-enlistment.

enlisted, although he may of right belong to another corps, and be a deserter therefrom; and whether such marine shall be tried for deserting from the corps to which he may of right belong, or from the corps into which he may have unlawfully enlisted, or for any other desertion, every desertion previous or subsequent to that for which he may at the time be taking his trial may, if duly stated in the charges, be given in evidence against him on such trial.

Apprehension of deserters.

48. Upon reasonable suspicion that a person is a deserter, it shall be lawful for any constable or other person to apprehend him, and forthwith bring him before a justice acting for any county, district, city, borough, or place wherein or near to which the place in which he was apprehended is situate; and the justice shall deal with the suspected deserter as if he were brought before him by warrant in accordance with the provisions of an Act passed in the eleventh and twelfth years of Her present Majesty, chapter forty-two, section twenty-one; and upon its appearing to the justice by the testimony of one or more witnesses taken upon oath, or by the confession of such suspected person, that the accused is a deserter, he shall cause him to be conveyed to the head quarters of the division or depôt to which he may appear to belong, or to the nearest or most convenient military or police station, or other place legally provided for the confinement of persons in custody, or delivered up to a party of marines in charge of a non-commissioned officer, as to the justice may seem most expedient, having regard to the safe custody of such suspected deserter; and the justice shall make a report to the Secretary of the Admiralty of the persons through whom or by whose means the deserter was apprehended or secured; and for such information, commitment, and report the gaoler or other person into whose custody the accused is committed shall pay at the time of commitment to the clerk to the justice the sum of two shillings; and the Secretary of the Admiralty, upon receipt of a report of the same, together with a copy of the commitment, shall cause such sum to be repaid to such gaoler or other person so entitled; and upon the report of a justice as aforesaid, the Secretary of the Admiralty shall cause to be paid to the person or persons by whom or through whose means it shall appear to his satisfaction that the deserter was apprehended and secured a sum not exceeding forty shillings; and the justice shall in every case transmit to the Secretary of the Admiralty a descriptive return in the form prescribed in the schedule to this Act annexed; and a return purporting to be so made shall be evidence of the facts and matters therein stated: Provided always,

that any such person so committed as a deserter in any part of Her Majesty's dominions shall, subject to the provisions herein-after contained, be liable to be transferred, by order of the colonel commandant or other officer commanding, to serve in any division, corps, detachment, or party nearest to the place where he shall have been apprehended, or to any other division, corps, detachment, or party to which the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral may deem it desirable that he should be transferred, and shall also be liable after such transfer of service to be tried and punished as a deserter.

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Transfer of deserters.

49. Every gaoler or keeper of any public prison, gaol, house of correction, lock-up house, or other place of confinement in any part of Her Majesty's dominions is hereby required to receive and confine therein every deserter who shall be delivered into his custody by any marine or other person conveying such deserter under lawful authority, on production of the warrant of the justice of the peace on which such deserter shall have been taken, or some order from the Admiralty, which order shall continue in force until the deserter shall have arrived at his destination; and such gaoler or keeper shall be entitled to one shilling for the safe custody of the said deserter while halted on the march, and to such subsistence for his maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Temporary custody of deserters in gaols.

50. Any person who, while serving in Her Majesty's Navy or in any of Her Majesty's forces, or the embodied militia, shall to any officer, or subordinate, warrant, petty, or non-commissioned officer, fraudulently confess himself to be a deserter from Her Majesty's Royal Marine forces, shall be liable to be tried by any court-martial under this Act, and punished according to the sentence thereof; and any person who shall voluntarily deliver himself up as and confess himself to be a deserter from Her Majesty's Royal Marine forces, or who, upon being apprehended for any offence, shall in the presence of the justice confess himself to be a deserter as aforesaid, shall be deemed to have been duly enlisted and to be a marine, and shall be liable to serve in Her Majesty's Royal Marine forces, whether such person shall have been ever actually enlisted as a marine or not; or in case such person shall not be a deserter from the Royal Marine forces, or shall have been discharged therefrom or from any other corps for any cause whatever, or shall be incapable of service, he shall, on conviction thereof before two justices of the peace at or near the place where he shall deliver himself up or confess, or where he may at any time happen to be, be adjudged to be punished, if in England,

Fraudulent confession of desertion.

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as a rogue and vagabond, and if elsewhere by commitment to some prison or house of correction, there to be kept to hard labour for any time not exceeding three months, or shall be deemed guilty of obtaining money under false pretences within the true intent and meaning, if in England or Ireland, of an Act passed in the session holden in the twenty-fourth and twenty-fifth years of Queen Victoria, intituled "An Act to consolidate and amend the Statute Law of England "and Ireland relating to Larceny and other similar offences," or, if in Scotland, shall be deemed guilty of falsehood, fraud, and wilful imposition; and every person so deemed to be guilty of obtaining money under false pretences, or of falsehood, fraud, and wilful imposition, (as the case may be,) shall be liable to be proceeded against and punished accordingly; and the confession and receiving subsistence as a marine by such person shall be evidence of the false pretence, or of the falsehood, fraud, and imposition, (as the case may be,) and of the obtaining money to the amount of the value of such subsistence, and the value of such subsistence so obtained may be charged in the indictment as so much money received by such person; and in case such person shall have been previously convicted of the like offence, or shall have been summarily convicted and punished in England as a rogue and vagabond, or in Scotland or Ireland by commitment, for making a fraudulent confession of desertion, such former conviction may be alleged in the indictment, and may be proved upon the trial of such person; and in such indictment for a second offence it shall be sufficient to state that the offender was at a certain time and place convicted of obtaining money under false pretences as a deserter, for making a fraudulent confession of desertion, without otherwise describing the said offence; and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction of the former offence, purporting to be signed by the clerk of the court or other officer having the custody of the record of the court where the offender was first convicted, or by the deputy of such clerk, or by the clerk of the convicting magistrates, shall, upon proof of the identity of the person of the offender, be sufficient evidence of the first conviction, without proof of the signature or official character of the person appearing to have signed such certificate; and if the person so confessing himself to be a deserter shall be serving at the time in Her Majesty's Royal Marine forces he shall be deemed to be and shall be dealt with by all justices and gaolers as a deserter.

24 & 25 Vict. c. 96.

Punishment for inducing marines to desert.

51. Any person who shall, in any part of Her Majesty's dominions, by any means whatsoever, directly or indirectly procure any marine to desert or absent himself from his duty without leave from

his commanding officer, or attempt to procure or persuade any marine to desert or absent himself from his duty, and any person who, knowing that any marine is absent from his duty without leave from his commanding officer, shall harbour or conceal such marine, or aid or assist such marine in concealing himself, or aid and assist in his rescue, or aid or assist him to desert, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof before any two justices acting for the county, district, city, burgh, or place where any such offender shall at any time happen to be, be liable to be committed to the common gaol or house of correction, there to be imprisoned, with or without hard labour, for such term not exceeding six calendar months as the convicting justices shall think fit.

Extension of furlough in case of sickness.

52. When there shall not be any officer of Her Majesty's land or marine forces of the rank of captain or of a superior rank, or any adjutant of militia, within convenient distance of the place where any non-commissioned officer or marine, not borne on the books of any of Her Majesty's ships or vessels in commission as aforesaid, and who shall be on furlough, shall be detained by sickness or other casualty rendering necessary an extension of such furlough, it shall be lawful for any justice who shall be satisfied of such necessity to grant an extension of furlough for a period not exceeding one month; and the said justice shall immediately certify such extension, and the cause thereof, to the commanding officer of the division or detachment to which the man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary allowance of pay and subsistence may be remitted to the marine, who shall not during the period of such extension of furlough be liable to be treated as a deserter: Provided always, that nothing herein contained shall be construed to exempt any marine from trial and punishment according to the provisions of this Act for any false representation made by him in that behalf to the said officer or justice so extending the furlough, or for any breach of discipline committed by him in applying for and obtaining the said extension of furlough.

Marines liable to be taken out of Her Majesty's service only for felony and certain misdemeanors,

53. Any person enlisted into Her Majesty's Royal Marine forces as a marine, or who has received marine enlistment money, shall be liable to be taken out of Her Majesty's service only by process or execution on account of any charge of felony, or on account of misdemeanor, or of any crime or offence other than the misdemeanor of refusing to comply with an order of justices for the payment of money, or on account of an original

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or for debts amounting to 30*l.* and upwards;

debt proved by affidavit of the plaintiff or of some one on his behalf to amount to the value of thirty pounds at the least over and above all costs of suit, such affidavit to be sworn, without payment of any fee, before some judge of the court out of which process or execution shall issue, or before some person authorised to take affidavits in such court, of which affidavit, when duly filed in such court, a memorandum shall, without fee, be endorsed upon the back of such process, stating the fact sworn to, and the day of filing such affidavit; but no marine or other person as aforesaid shall be liable by any process whatever to appear before any justice of the peace or other authority whatsoever, or to be taken out of Her Majesty's service by any writ, summons, order, warrant, judgment, execution, or any process whatever issued by or by the authority of any court of law, or any magistrate, justice or justices of the peace, or any other authority whatsoever, for any original debt not amounting to thirty pounds, or for the breach of any contract, covenant, agreement, or other engagement whatever, by parol or in writing, or for having left or deserted his employer or master, or his contract, work, or labour; and all summonses, warrants, commitments, indictments, convictions, judgments, and sentences, on account of any of the matters for which it is herein declared that a marine is not liable to be taken out of Her Majesty's service, shall be utterly illegal, and null and void to all intents and purposes; and any judge of any such court may examine into any complaint made by a marine or by his superior officer, and by warrant under his hand discharge such marine, without fee, he being shown to have been arrested contrary to the intent of this Act, and shall award reasonable costs to such complainant, who shall have for the recovery thereof the like remedy as would have been applicable to the recovery of any costs which might have been awarded against the complainant in any judgment or execution as aforesaid, or a writ of Habeas corpus ad subjiciendum shall be awarded or issued, and the discharge of any such marine out of custody shall be ordered thereupon; provided that any plaintiff, upon notice of the cause of action first given in writing to any marine or left at his last quarters, may proceed in any action or suit to judgment, and have execution other than against the body or marine necessaries or equipments of such marine: Provided also, that nothing herein contained relating to the leaving or deserting a master or employer, or to the breach of any contract, agreement, or engagement, shall apply to persons who shall be really and bonâ fide apprentices duly bound under the age of twenty-one years, as herein prescribed.

but not liable to be taken out of Her Majesty's service for debts under 30*l.*, or for breach of contract.

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Officers not to be sheriffs, mayors, &c.

54. No person who shall be commissioned and in full pay as an officer in the Royal Marine forces, or who shall be employed in enlisting for such forces, shall be capable of being nominated or elected to be sheriff, and no such officer and no non-commissioned officer of such forces shall be capable of being nominated or elected to be a constable, or overseer, guardian of any union, or any officer of a like description, of any county, hundred, riding, city, borough, town, division, parish, or other place, or to be mayor, portreeve, alderman, or to hold any office in any municipal corporation in any city, borough, or place in Great Britain or Ireland, or be summoned or shall serve as a grand or petit or other juror or upon any inquest, and any summons for him to attend to serve as a grand or petit or other juror or upon an inquest shall be null and void; and every such person is hereby exempted from attendance and service in accordance with any such summons, and from all fines, pains, and penalties for or in consequence of not attending or serving as aforesaid.

Questions to be put to recruits on enlisting.

55. Every person authorised to enlist recruits for the Royal Marines shall first ask the person offering to enlist whether he belongs to any and what force in Her Majesty's service, and also such other questions as the said Lord High Admiral or the said Commissioners may direct to be put to such persons, and in case of a recruit shall, immediately after giving him enlisting money, serve him with a notice in the form set forth in the schedule to this Act annexed.

Recruits when deemed to be enlisted.

56. Every person who shall receive enlisting money in manner aforesaid shall upon such receipt be deemed to be enlisted as a marine in Her Majesty's service, and while he shall remain with the recruiting party shall be entitled to be billeted.

When recruits to be taken before a justice.

57. Every person so enlisted as aforesaid shall, within ninety-six hours (any intervening Sunday, Christmas Day, or Good Friday not included), but not sooner than twenty-four hours after such enlistment, appear, together with some person employed in the recruiting service, before a justice of the peace, not being an officer of the marines, for the purpose of being attested as a marine, or of objecting to his enlistment.

Dissent and relief from enlistment.

58. When a recruit, upon appearing before a justice for the purposes aforesaid, shall dissent from or object to his enlistment, and shall satisfy the justice that the same was effected in any respect irregularly, he shall forthwith discharge the recruit absolutely, and shall report such discharge to the commandant of the division for which the marine shall have enlisted; but if the recruit so dissenting shall not allege or shall not satisfy the justice that the enlistment was

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effected irregularly, nevertheless upon repayment of the enlisting money and of any sum received by him in respect of pay or allowances, and of a further sum of twenty shillings as smart money, he shall be entitled to be discharged; and the sum paid by such recruit upon his discharge shall be kept by the justice, and, after deducting therefrom one shilling as the fee for reporting the payment to the Secretary of the Admiralty and to the recruiting officer, shall be paid over to any person belonging to the recruiting party who may demand the same; and the justice who shall discharge any recruit shall in every case give a certificate thereof, signed with his hand, to the recruit, specifying the cause thereof.

Attesting of recruits.

59. If the recruit on appearing before a justice shall not dissent from his enlistment, or dissenting shall within twenty-four hours return and state that he is unable to pay the sums mentioned in the last section, he shall be attested as follows: the justice, or some person deputed by him, shall read to the recruit the questions set forth in the form of attestation which the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, shall have ordered to be used, cautioning him that if he fraudulently make any false answer thereto he shall be liable to be punished as a rogue and vagabond, and the answers of the recruit shall be recorded opposite to the said questions, and the justice shall require the recruit to make and sign the declaration in the said form, and shall then administer to him the oath of allegiance in the said form; and when the recruit shall have signed the said declaration and taken the oath, the justice shall attest the same by his signature, and shall deliver to the recruiting officer the declaration so signed and attested, and the fee for such attestation, including the declaration and oath, shall be one shilling and no more; and any recruit shall, if he so wish, be furnished with a certified copy of the above-mentioned declaration by the officer who finally approved of him for the service.

Recruits until they have been attested or received pay not triable by court-martial, but in certain cases punishable as rogues and vagabonds.

60. No recruit, unless he shall have been attested or shall have received pay other than enlisting money, shall be liable to be tried by court-martial; but if any person, previously to his being attested or enrolled, shall by means of any false answer obtain enlistment or other money, or shall make any false statement in his declaration, or shall refuse to answer any question duly authorised to be put to him for the purpose of filling up such declaration, or shall refuse or neglect to go before a justice for the purposes aforesaid, or having in the case of a recruit dissented from his enlistment shall wilfully omit to return and pay such money as aforesaid, in any of such cases it shall be lawful for any two justices within

the United Kingdom, or for any one justice out of the United Kingdom, acting for the county, district, city, burgh, or place where any such person shall at any time happen to be, when he shall be brought before them or him, either to attest such recruit as a marine, or to sentence him to be imprisoned with hard labour in any prison or house of correction for any period not exceeding three calendar months. And any marine who shall have given any false answer at the time of or relative to his becoming a marine shall forfeit all pay, wages, and other moneys, be the same naval, marine, or otherwise, which he might otherwise have been entitled to for any period of service in the Royal Marines.

Attested recruits triable in some cases either before two justices or before a court-martial.

61. Any person who shall have been attested or enrolled, and who shall afterwards be discovered to have given any wilfully false answer to any question directed to be put by the proper authorities, or shall have made any wilfully false statement in the declaration herein-before mentioned, shall be liable, at the discretion of the said Lord High Admiral or the said Commissioners, to be proceeded against before two justices in the manner herein-before mentioned, and by them sentenced accordingly, or to be tried by a district or garrison court-martial for the same, and punished in such manner as such court shall direct, and the declaration purporting to be made by such person on his attestation or enrolment, in accordance with the schedule to this Act annexed, or with the regulations of the said Lord High Admiral or the said Commissioners, shall, in the absence of proof to the contrary, be deemed sufficient evidence, whether before such justice or justices, or before any court-martial, of such person having represented the several particulars as stated in such declaration.

In the case of an attested recruit confessing that he had previously enlisted into another corps or division and had been discharged from it, a letter purporting to be written in reply to an inquiry respecting the truth or falsehood of such confession and to be signed by or on behalf of the corps or division from which such attested recruit confessed himself to have been discharged, shall be admissible in evidence against such attested recruit, and shall be deemed to be legal evidence of the facts stated therein.

Recruits absconding.

62. If any recruit shall abscond so that it is not possible immediately to apprehend and bring him before a justice for attestation, the recruiting party shall produce to the justice before whom the recruit ought regularly to have been brought for that purpose a certificate of the name and place of residence and description of such recruit and of his having absconded, and shall

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declare the same to be true, and the justice to whom such certificate shall be produced shall transmit a duplicate thereof to the Secretary of the Admiralty in order that the same may appear in the "Police Gazette." For the purposes of this section and all purposes of attestation and enlistment a justice of any county or borough shall be deemed to be a justice of any other county or borough.

As to militiamen enlisting into regular forces.

63. If any man while belonging to any regiment or corps, the regular reserve, or auxiliary forces, shall, without being discharged by the proper authorities, thereupon enlist in and be attested for Her Majesty's Royal Marines, he shall be liable to be tried before a court-martial on a charge for desertion; but it shall be lawful for the Secretary of State for the War Department to give such general directions as may from time to time appear to him necessary for placing any man who confesses himself to be a militiaman under stoppage of one penny a day of his pay for eighteen calendar months, in lieu of his being tried by court-martial, and in case such militiaman shall have belonged to the militia reserve at the time of his attestation he shall be subjected to a further stoppage of one penny a day for two hundred and forty days, to be applied as the Secretary of State for War shall direct, and further to determine whether such man shall be returned to his militia regiment after such sum shall have been made good, or shall be deemed to be a marine in the same manner as he would have been if he had not been a militiaman at the time of his attestation: Provided also, that every soldier who, while belonging to a militia regiment, enlisted in Her Majesty's Royal Marines, whether such enlistment took place before or after the passing of the Mutiny Act, 1860, shall reckon service towards the performance of his limited engagement from the date of his attestation: Provided also, that any such soldier shall not reckon service for pension until the day on which his engagement for the militia would have expired; but if any such soldier shall, subsequently to his enlistment, have rendered long, faithful, or gallant service, the Lords Commissioners of the Admiralty may, upon the special recommendation of the Deputy Adjutant General, Royal Marines, order that he may reckon service for pension from the date of his attestation.

Volunteer permanent staff officers enlisting into regular forces.

64. If any non-commissioned officer of the volunteer permanent staff shall enlist into the Royal Marines, he may be tried and punished as a deserter, but if he confesses his desertion the Secretary of State for War, instead of causing him to be tried and punished as a deserter, may cause him to be returned to his service on the

volunteer permanent staff, to be there put under stoppages from his pay until he has repaid the amount of any bounty received by him, and the expenses attending his enlistment, and also the value of any arms, &c. issued to him while on the volunteer permanent staff, and not duly delivered up by him, or may cause him to be held to his service in the Royal Marines with a direction, if it seems fit, that his term of service therein shall not be reckoned for pension until the time when his engagement on the volunteer permanent staff would have expired, and may further cause him to be put under stoppages of one penny a day of his pay until he has repaid the expense attending his engagement or attestation on the volunteer permanent staff, and also the value of any arms, clothing, or appointments issued to him while on the volunteer permanent staff, and not duly delivered up by him.

Penalty on persons offending as to enlistment.

65. Every person subject to this Act who shall wilfully act contrary to any of its provisions in any matter relating to the enlisting or attesting of recruits for Her Majesty's service shall be liable to be tried for such offence by a general or other court-martial, and to be sentenced to such punishment, other than death or penal servitude, as such court may award.

As to re-enlistment abroad.

66. It shall be lawful for any justice of the peace or person exercising the office of a magistrate within any of Her Majesty's dominions abroad, or for the officer commanding any ship or vessel of Her Majesty on the books of which any marine may be borne, or on board of which any such marine may be, or, notwithstanding anything in this Act contained, for the commanding officer of any battalion or detachment of Royal Marines, whether borne on the books of any one of Her Majesty's ships or otherwise, to re-engage or enlist and attest out of Great Britain or Ireland any marine desirous of re-enlisting or re-engaging into Her Majesty's Royal Marine forces, if such marine be considered by such commanding officer, justice, or magistrate a fit person to continue in Her Majesty's service; and every such commanding officer, justice, or magistrate shall have the same powers in that behalf as are by this or any other Act of Parliament given to justices of the peace in the United Kingdom for all such purposes of enlistment and attestation, and any marine so re-enlisted or re-engaged shall be deemed to be an attested marine.

Apprentices enlisting to be liable to serve after

67. Any person duly bound as an apprentice who shall enlist into Her Majesty's Royal Marine forces, and shall falsely state to the magistrate before whom he shall be carried and attested that

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the expiration of their apprenticeship.

he is not an apprentice, shall be deemed guilty of obtaining money by false pretences, if in England or in Ireland, and of falsehood, fraud, and wilful imposition, if in Scotland, and shall after the expiration of his apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a marine according to the terms of the enlistment, and if on the expiration of his apprenticeship he shall not deliver himself up to some officer authorised to receive recruits, such person may be taken as a deserter from Her Majesty's Royal Marine forces.

Claims of masters to apprentices.

68. No master shall be entitled to claim an apprentice who shall enlist as a marine in Her Majesty's service unless such master shall, within one calendar month next after such apprentice shall have left his service, go before some justice, and take the oath mentioned in the schedule to this Act annexed, and at the time of making his claim produce to the officer under whose command the recruit shall be the certificate of such justice of his having taken such oath, which certificate such justice is required to give in the form in the schedule to this Act annexed; nor unless such apprentice shall have been bound, if in England, for the full term of five years, (not having been above the age of fourteen years when so bound,) and if in Ireland or in the British Isles, for the full term of five years at the least, (not having been above the age of sixteen when so bound,) and if in Scotland, for the full term at least of four years, by a regular contract or indenture of apprenticeship, duly extended, signed, and tested, and binding on both parties by the law of Scotland prior to the period of enlistment, and unless such contract or indenture in Scotland shall, within three months after the commencement of the apprenticeship and before the period of enlistment, have been produced to a justice of the peace of the county in Scotland wherein the parties reside, and there shall have been endorsed thereon by such justice a certificate or declaration signed by him specifying the date when and the person by whom such contract or indenture shall have been so produced, which certificate or declaration such justice of the peace is hereby required to endorse and sign; nor unless any such apprentice shall, when claimed by such master, be under twenty-one years of age: Provided always, that any master of an apprentice indentured for the sea service shall be entitled to claim and recover him in the form and manner above directed, notwithstanding such apprentice may have been bound for a less term than five or four years as aforesaid: Provided also, that any such master who shall give up the indentures of apprenticeship within one month after the enlisting of such apprentice shall be entitled to receive, to his own use, so much of

the bounty payable to such recruit as shall not have been paid to such recruit before notice given of his being an apprentice. A.D. 1876.

69. No apprentice claimed by his master shall be taken from any division, detachment, recruiting party, or ship of Her Majesty, except under a warrant of a justice residing near and within whose jurisdiction such apprentice shall then happen to be, and before whom he shall be carried; and such justice shall inquire into the matter upon oath (which oath he is hereby empowered to administer), and shall require the production and proof of the indenture, and that notice of the said warrant has been given to the commanding officer, and a copy thereof left with some officer or non-commissioned officer of the party, and that such person so enlisted declared that he was no apprentice; and such justice, if required by such officer or non-commissioned officer, shall commit the offender to the common gaol of the county, division, or place for which such justice is acting, and shall keep the indenture to be produced when required, and shall bind over such person as he may think proper to give evidence against the offender, who shall be tried at the next or at the sessions immediately succeeding the next general or quarter sessions of such county, division, or place, unless the court shall for just cause put off the trial; and the production of the indenture, with the certificate of the justice that the same was proved, shall be sufficient evidence of the said indenture; and every such offender in Scotland may be tried by the judge ordinary in the county or stewartry in such and the like manner as any person may be tried in Scotland for any offence not inferring a capital punishment: Provided always, that any justice not required as aforesaid to commit such apprentice may deliver him to his master.

No apprentice claimed by the master shall be taken away without a warrant.

Punishment of apprentices enlisting.

70. No person who shall for six months, and either before or after the passing of this Act, have received pay and be borne on the strength and pay list of any division of Her Majesty's Royal Marine forces, of which the last quarterly pay list (if produced) shall be evidence, or been borne as a marine on the books of any of Her Majesty's ships in commission, shall be entitled to claim his discharge on the ground of error or illegality in his enlistment or attestation or re-engagement, or on any other ground whatsoever, but, on the contrary, every such person shall be deemed to have been duly enlisted, attested, or re-engaged, as the case may be.

Removal of doubts as to attestation of marines.

71. It shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the office of Lord

Power to Admiralty to order pay to be withheld.

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High Admiral, to give orders for withholding the pay of any officer or marine for any period during which such officer or marine shall be absent without leave, or improperly absent from his duty, or in case of any doubt as to the proper issue of pay to withhold it from the parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a determination upon the case.

Billeting of marines.

72. And whereas there is and may be occasion for the marching and also for the quartering of the Royal Marine forces when on shore:

Be it enacted, that during the continuance of this Act, upon the order or orders of the Lords Commissioners of the Admiralty, signified in writing in that behalf under the hand of the Secretary of the Admiralty, or upon the order or orders in writing in that behalf under the hand of any colonel commandant or commanding officer of any division of Royal Marines, it shall be lawful for all constables and other persons specified in this Act in Great Britain and Ireland, and they are hereby required, to billet the officers and marines, whether marching or otherwise, and all staff and field officers horses, and all bât and baggage horses belonging to the Royal Marine forces, when on actual service, not exceeding for each officer the number for which forage is or shall be allowed by Her Majesty's regulations, in victualling houses and other houses specified in this Act, taking care in Ireland not to billet less than two men in any one house; and they shall be received by the occupiers of the houses in which they are so billeted, and be furnished by such victualler with proper accommodation in such houses, and with a separate bed for each marine, or if any victualler shall not have sufficient accommodation in the house upon which a marine is billeted, then in some good and sufficient quarters to be provided by such victualler in the immediate neighbourhood, and in Great Britain with diet and small beer, and in Great Britain and Ireland with stables, oats, hay, and straw for such horses as aforesaid, paying and allowing for the same the several rates herein-after provided; and at no time when marines are on their march shall any of them be billeted above one mile from the place mentioned in the route, care being always taken that the billets be made out for the less distant houses in which suitable accommodation can be found before making out billets for the more distant; and in all places where marines shall be billeted in pursuance of this Act, the officers and their horses shall be billeted in one and the same house, except in case of necessity;

and the constables are hereby required to billet all marines on their march in the manner required by this Act upon the occupiers of all houses within one mile of the place mentioned in the route, and whether they be in the same or a different county, in like manner in every respect as if such houses were all locally situated within such place: Provided always, that nothing herein contained shall be construed to extend to authorise any constable to billet marines out of the county to which such constable belongs when the constable of the adjoining county shall be present and shall undertake to billet the due proportion of men in such adjoining county; and no more billets shall at any time be ordered than there are effective marines and horses present to be billeted; all which billets, when made out by such constables, shall be delivered into the hands of the commanding officer present, or to the non-commissioned officer on the spot; and if any person shall find himself aggrieved by having an undue proportion of marines billeted in his house, and shall prefer his complaint, if against a constable or other person not being a justice, to one or more justices, and if against a justice, then to two or more justices, within whose jurisdiction such marines are billeted, such justices respectively shall have power to order such of the marines to be removed and to be billeted upon other persons as they shall see cause; and when any horses belonging to the officers of Her Majesty's Royal Marine forces shall be billeted upon the occupiers of houses who shall have no stables, then, upon a written requisition of the officer commanding such marines, the constable is hereby required to billet the horses upon some other person or persons having stables, and who are by this Act liable to have officers and marines billeted upon them, and any two or more justices of the peace may order a proper allowance to be paid by the persons relieved to the persons receiving such horses, or to be applied in the furnishing the requisite accommodation; and the commanding officer may exchange any man or horse billeted in any place with another man or horse billeted in the same place, for the convenience or benefit of the service, provided the number of men and horses do not exceed the number at that time billeted on such houses respectively, and the constables are hereby required to billet such men and horses so exchanged accordingly; and it shall be lawful for any justice, at the request of any officer or non-commissioned officer commanding any marines requiring billets, to extend any route, or to enlarge the district within which billets shall be required, in such manner as shall appear to be most convenient to Her Majesty's service: Provided also, that to prevent or punish all abuses in billeting marines, it shall be lawful for any

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justice, within his jurisdiction, by warrant or order under his hand, to require any constable to give him an account in writing of the number of officers and marines who shall be quartered by such constables, together with the names of the persons upon whom such officers and marines are billeted, stating the street or place where such persons dwell, and the signs, if any, belonging to the houses: Provided always, that no officer shall be compelled or compellable to pay anything for his lodging where he shall be duly billeted: Provided also, that no justice being an officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing quarters under this Act.

Allowance to inn-keepers.

73. The innholder or other person on whom any marine is billeted in Great Britain shall, if required by such marine, furnish him for every day on the march, and for a period not exceeding two days, when halted at any intermediate place upon the march, and for the day of the arrival at the place of final destination, with one hot meal in each day, the meal to consist of such quantities of diet and small beer as may be fixed by Her Majesty's regulations, not exceeding one pound and a quarter of meat previously to being dressed, one pound of bread, one pound of potatoes or other vegetables, and two pints of small beer, and vinegar, salt, and pepper, and for such meal the innholder or other person furnishing the same shall be paid the sum of thirteenpence halfpenny, and twopence halfpenny for a bed; and all innholders and other persons on whom marines may be billeted in Great Britain or Ireland, except when on the march in Great Britain, and entitled to be furnished with the hot meal as aforesaid, shall furnish such marines with a bed and with candles, vinegar, and salt, and shall allow them the use of fire, and the necessary utensils for dressing and eating their meat, and shall be paid in consideration thereof the sum of fourpence per diem for each marine; and the sum to be paid to the innholder or other person on whom any of the horses belonging to Her Majesty's Royal Marine forces shall be billeted, in Great Britain or Ireland, for ten pounds of oats, twelve pounds of hay, and eight pounds of straw, shall be one shilling and ninepence per diem for each horse; and every officer or non-commissioned officer commanding a division, detachment, or party shall every four days, or before they shall quit their quarters if they shall not remain so long as four days, settle and discharge the just demands of all victuallers or other persons upon whom such officers, marines, or horses are billeted, out of the pay and subsistence of such officers and marines, before any part of the said pay or sub-

sistence be paid or distributed to them respectively; and if any such officer or non-commissioned officer shall not pay the same as aforesaid, then, upon complaint and oath made thereof by any two witnesses before two justices of the peace for the county, riding, division, liberty, city, borough, or place where such quarters were situate, sitting in quarter or petty sessions, the Secretary of the Admiralty is hereby required, upon certificate of the justices before whom such oath shall be made of the sum due to complainant, to order payment of the amount which shall be charged against such officer; and in case of any marines being suddenly ordered to march, and of the commanding officer or non-commissioned officer not being enabled to make payment of the sums due on account of billets, every such officer or non-commissioned officer shall before his departure make up the account with every person upon whom any such marines may have been billeted, and sign a certificate thereof; which account and certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid, and charged to the account of such officer or non-commissioned officer.

Supply of carriages.

74. For the regular provision of carriages for the Royal Marine forces and their baggage on their marches in Great Britain and Ireland, all justices of the peace within their several jurisdictions, being duly required thereunto by order of the said Lord High Admiral, or two or more of the Commissioners for executing the said office of Lord High Admiral for the time being, or any colonel commandant or commanding officer of a division of Royal Marines, shall, on the production of such order, or a copy thereof certified by the commanding officer, to them or any one or more of them, by the officer or non-commissioned officer of the party of marines so ordered to march, issue a warrant to any constable having authority to act in any place from, through, near, or to which such marines shall be ordered to march, (for each of which warrants a fee of one shilling only shall be paid,) requiring him to provide the carriages, horses, oxen, and drivers therein mentioned, (allowing sufficient time to do the same,) specifying the places from and to which the said carriages shall travel, and the distance between the places, for which distance only so specified payment shall be demanded, and which distance shall not, except in cases of pressing emergency, exceed the day's march prescribed in the order of route, and shall in no case exceed twenty-five miles; and the constables receiving such warrant shall order such persons as they shall think proper, having carriages, to furnish the requisite

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supply, who are hereby required to furnish the same accordingly; and in case sufficient carriages cannot be procured within the proper jurisdiction, any justice of the next adjoining jurisdiction shall, by a like course of proceeding, supply the deficiency; and in order that the burden of providing carriages may fall equally, and to prevent inconvenience arising from there being no justice residing near the place where marines may be quartered on the march, the justice or justices residing nearest to such place shall cause a list to be made out, at least once in every year, of all persons liable to furnish such carriages, and of the number and description of their said carriages, which list shall at all seasonable hours be open to the inspection of the said persons, and shall by warrant under his hand authorise the constables within his jurisdiction to give orders to provide carriages without any special warrant from him for that purpose, which orders shall be valid in all respects; and all orders for such carriages shall be made from such lists in regular rotation, so far as the same can be done.

Rates for carriages.

75. In every case in which the whole distance for which any carriage shall be impressed shall be under one mile the rate of a full mile shall be paid; and the rates to be paid for carriages impressed shall be, in Great Britain, for every mile which a waggon with four or more horses, or a wain with six oxen or four oxen and two horses, shall travel, one shilling; and for every mile any waggon with narrow wheels, or any cart with four horses, carrying not less than fifteen hundredweight, shall travel, ninepence; and for every mile every other cart or carriage with less than four horses, and not carrying fifteen hundredweight, shall travel, sixpence; and in Ireland for every hundredweight loaded on any wheel carriage one halfpenny per mile; and in Great Britain such further rates may be added, not exceeding a total additional sum per mile of fourpence, threepence, or twopence to the respective rates of one shilling, ninepence, and sixpence, as may seem reasonable to the justices assembled at general sessions for their respective districts, or to the recorder at the sessions of the peace of any municipal city, borough, or town; and the order of such justices or recorder shall specify the average price of hay and oats at the nearest market town at the time of fixing such additional rates, and the period for which the order shall be enforced, not exceeding ten days, beyond the next general sessions; and no such order shall be valid unless a copy thereof, signed by the presiding magistrate and one other justice, or by the recorder, shall be transmitted to the Secretary of the Admiralty within three

days after the making thereof; and also in Great Britain when the day's march shall exceed fifteen miles, the justice granting his warrant may fix a further reasonable compensation not exceeding the usual rate of hire fixed by this Act; and when additional rates or compensation shall be granted, the justice shall insert in his own hand in the warrant the amount thereof, and the date of the order of sessions, if fixed by sessions, and the warrant shall be given to the officer commanding as his voucher; and the officer or non-commissioned officer demanding carriages by virtue of the warrant of a justice shall, in Great Britain, pay down the proper sums into the hands of the constable providing carriages, who shall give receipts for the same on unstamped paper; and, in Ireland, the officers or non-commissioned officers as aforesaid shall pay the proper sums to the owners or drivers of the carriages, and one third part of such payment shall be made before the carriage be loaded, and all the said payments in Ireland shall be made, if required, in presence of a justice or constable; and no carriage shall be liable to carry more than thirty hundredweight in Great Britain, and in Ireland no car shall be liable to carry more than six hundredweight, and no dray more than twelve hundredweight; but the owner of such carriages in Ireland consenting to carry a greater weight shall be paid at the same rate for every hundredweight of the said excess; and the owners of such carriages in Ireland shall not be compelled to proceed, though with any less weight, under the sum of threepence a mile for each car and sixpence a mile for each dray; and the loading of such carriages in Ireland shall be first weighed, if required, at the expense of the owner of the carriage, if the same can be done in a reasonable time without hindrance of Her Majesty's service: Provided also, that a cart with one or more horses, for which the furnisher shall receive ninepence a mile, shall be required to carry fifteen hundredweight at the least; and that no penalties or forfeitures in any Act relating to highways or turnpike roads in the United Kingdom shall apply to the number of horses or oxen or weight of loading of the aforesaid carriages, nor shall any such carriages on that account be stopped or detained; and whenever it shall be necessary to impress carriages for the march of marines from Dublin at least twenty-four hours notice of such march, and in case of emergency as long notice as the case will admit, shall be given to the Lord Mayor of Dublin, who shall summon a proportional number of cars and drays at his discretion out of the licensed cars and drays and other cars and drays within the county of the said city, and they shall by turns be employed on this duty at the prices and under the

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regulations herein-before mentioned; and no country cars, drays, or other carriages coming to markets in Ireland shall be detained or employed against the will of the owners in carrying the baggage of marines on any pretence whatever.

As to supply of carriages, &c. in cases of emergency.

76. It shall be lawful for the Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of Ireland, by their or his orders distinctly stating that a case of emergency doth exist, signified by the Secretary of the Admiralty, or, if in Ireland, by the chief secretary or under secretary, or the first clerk in the military department, to authorise any commanding officer of Her Majesty's Royal Marine forces in any district or place, or to the chief acting agents for the supply of stores and provisions, by writing under his hand, reciting such order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all justices within their several jurisdictions in Great Britain and Ireland to issue their warrants for the provision, not only of waggons, wains, carts, and cars kept by or belonging to any person and for any use whatsoever, but also of saddle horses, coaches, postchaises, chaises, and other four-wheeled carriages kept for hire, and of all horses kept to draw carriages licensed to carry passengers, and also of boats, barges, and other vessels used for the transport of any commodities whatsoever upon any canal or navigable river as shall be mentioned in the said warrants, therein specifying the place and distance to which such carriages or vessels shall go; and on the production of such requisition, or a copy thereof certified by the commanding officer, to such justice, by any officer of the corps ordered to be conveyed, such justice shall take all the same proceedings in regard to such additional supply so required on such emergency as he is by this Act required to take for the ordinary provision of carriages; and all provisions whatsoever of this Act as regards the procuring of the ordinary supply of carriages, and the duties of officers and non-commissioned officers, justices, constables, and owners of carriages in that behalf, shall be to all intents and purposes applicable for the providing and payment according to the rates of posting or of hire usually paid for such other description of carriages or vessels so required on emergency, according to the length of the journey or voyage in each case, but making no allowance for post horse duty, or turnpike, canal, river, or lock tolls, which duty or tolls are hereby declared not to be demandable for such carriages and vessels while employed in such service or returning therefrom; and

it shall be lawful to convey thereon not only the baggage, provisions, and military stores of such detachment, but also the officers, marines, servants, women, children, and other persons of and belonging to the same.

Justices of peace to direct payment of sums expended for carriages, &c.

77. It shall be lawful for the justices of the peace assembled at their quarter sessions to direct the treasurer to pay, without fee, out of the public stock of the county or riding, or if such public stock be insufficient then out of moneys which the said justices shall have power to raise for that purpose, in like manner as for county gaols and bridges, such reasonable sums as shall have been expended by the constables within their respective jurisdictions for carriages and vessels, over and above what was or ought to have been paid by the officer requiring the same, regard being had to the season of the year and the condition of the ways by which such carriages and vessels are to pass; and in Scotland such justices shall direct such payments to be made out of the rogues money and assessments directed and authorised to be assessed and levied by an Act passed during the session holden during the twentieth and twenty-first years of the reign of Her present Majesty, chapter seventy-two.

Lord Lieutenant of Ireland may depute persons to sign routes.

78. It shall be lawful for the said Lord Lieutenant or other Chief Governor for the time being of Ireland to depute, by warrant under his hand and seal, some proper person to sign routes in cases of emergency for the marching of any of Her Majesty's Royal Marine forces in Ireland in the name of such Lord Lieutenant or Chief Governor.

Exemption from tolls.

79. All officers and marines on duty or on their march, being in proper uniform, dress or undress, and their horses and baggage, and all recruits marching by route, and all prisoners under military escort, and all carriages and horses belonging to Her Majesty or employed in her service under the provisions of this Act, or in any of Her Majesty's colonies, when employed in conveying any such persons as aforesaid or their baggage or stores, or returning from conveying the same, shall be exempted from the payment of any duties and tolls on embarking or disembarking from or upon any pier, wharf, quay, or landing-place, or in passing along or over any turnpike or other roads or bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed, or by virtue of any prescription, grant, or custom, or by virtue of any Act or ordinance, order or direction, of any colonial legislature or other authority in any of Her Majesty's colonies; and if any toll collector shall demand or receive toll from any marine

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officer or marine on duty or on their march who shall be in proper uniform, dress or undress, or for their horses, and who by this Act is exempted from payment thereof, or from any recruits marching by route, or from any prisoners under military escort, or for any carriages or horses belonging to Her Majesty or employed in her service under the provisions of this Act, when conveying persons or baggage or stores, or returning therefrom, every such collector shall for every such offence be liable to a penalty not exceeding five pounds; provided that nothing herein contained shall exempt any boats, barges, or other vessels employed in conveying the said persons, horses, baggage, or stores along any canal from payment of tolls in like manner as other boats, barges, and vessels are liable thereto, except when employed in cases of emergency as herein mentioned; and that when any officers or marines on service shall have occasion in the march by route to pass regular ferries in Scotland, the officer commanding shall be at liberty to pass over with his marines as passengers, paying for himself and each marine one half only of the ordinary rate payable by passengers, or he shall be at liberty to hire the ferry boat for himself and his party, debarring all others for that time, and shall in such case pay only half the ordinary rate for such boat.

Marching money on discharge.

80. Every marine upon being discharged from the service shall be entitled to an allowance (not exceeding in any case the amount of twenty-one days marching money) to enable him to reach his home, or the place at which he shall at the time of his discharge decide to take up his residence, if the cost of conveyance to such a place shall not exceed the cost of conveyance to the place of his original enlistment, which allowance shall be calculated according to the distance he has to travel: Provided always, that no person who shall purchase his own discharge, or be discharged on account of misbehaviour, or at his own desire, before the expiration of his period of service, shall be entitled to any such allowance.

Penalties upon civil subjects offending against the laws relating to billets and carriages.

81. If any constable or other person who by virtue of this Act shall be employed in billeting any officers or marines in any part of the United Kingdom shall presume to billet any such officer or marine in any house not within the meaning of this Act without the consent of the owner or occupier thereof; or shall neglect or refuse to billet any officer or marine on duty when thereunto required in such manner as is by this Act directed, provided sufficient notice be given before the arrival of such marines; or shall receive, demand, or agree for any money or reward whatsoever in order to excuse any person from receiving any such officer or

marine; or shall quarter any of the wives, children, men or maid servants of any officer or marine in any such houses against the consent of the occupiers; or shall neglect or refuse to execute such warrants of the justices as shall be directed to him for providing carriages, horses, or vessels, or shall demand more than the legal rates for the same; or if any person ordered by any constable in manner herein-before directed to provide carriages, horses, or vessels shall refuse or neglect to provide the same according to the orders of such constable, or shall demand more than the legal rates for the same, or shall do any act or thing by which the execution of any warrants for providing carriages, horses, or vessels shall be hindered; or if any person liable by this Act to have any officer or marine quartered on him shall refuse to receive any such officer or marine, or to afford him proper accommodation or diet in the house of such person in which he is quartered, or to furnish the several things directed to be furnished to officers and marines, or shall neglect or refuse to furnish good and sufficient stables, together with good and sufficient oats, hay, and straw in Great Britain and Ireland, for each horse, in such quantities and at such rates as herein-before provided, or if any innkeeper or victualler not having good and sufficient stables shall refuse to pay over to the person or persons who may provide stabling such allowance by way of compensation as shall be directed by any justice of the peace, or shall pay any sum of money to any marine on the march in lieu of furnishing in kind the diet and small beer to which such marine is entitled; such constable, victualler, and other person respectively shall forfeit for every offence, neglect, or refusal any sum not exceeding five pounds nor less than forty shillings; and if any person shall personate or represent himself to be a marine or marine recruit with the view of fraudulently obtaining a billet or money in lieu thereof, he shall for every such offence forfeit any sum not exceeding five pounds nor less than twenty shillings.

Penalty upon officers of marines so offending.

82. If any officer of Royal Marines shall take upon him to quarter men otherwise than is allowed by this Act, or shall use or offer any menace or compulsion to or upon any justice, constable, or other civil officer tending to deter and discourage any of them from performing any part of their duty under this Act, or to do anything contrary thereto, such officer shall for every such offence, being thereof convicted before any two or more justices of the county by the oath of two credible witnesses, be deemed and taken to be ipso facto cashiered, and shall be utterly disabled to hold any military employment in Her Majesty's service;

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provided a certificate of such conviction be forthwith transmitted by the said justices to the Secretary of the Admiralty, and that the conviction be affirmed at some quarter sessions of the peace for the said county to be held next after the expiration of three months after such certificate shall have been transmitted as aforesaid; and if any marine officer shall take or knowingly suffer to be taken from any person any money or reward for excusing the quartering of officers or marines, or shall billet any of the wives, children, men or maid servants of any officer or marine in any house against the consent of the occupier, he shall for any of the said offences, upon being convicted thereof before a general court-martial, be cashiered; and if any officer shall constrain any carriage to travel beyond the distance specified in the justice's warrant, or shall not discharge the same in due time for their return home on the same day if it be practicable, except in the case of emergency for which the justice shall have given license, or shall compel the driver of any carriage to take up any marine or servant (except such as are sick) or any woman to ride therein, except in cases of emergency as aforesaid, or shall force any constable, by threatening words, to provide saddle horses for himself or servants, or shall force horses from their owners, or in Ireland shall force the owner to take any loading until the same shall be first duly weighed, if the same shall be required, and can be done within a reasonable time, or shall, contrary to the will of the owner or his servant, permit any person whatsoever to put any greater load upon any carriage than is directed by this Act, he shall forfeit for every offence any sum not exceeding five pounds nor less than forty shillings.

Penalty for forcible entry in pursuit of deserters without warrant.

83. Every marine officer or marine who shall, without warrant from one or more of Her Majesty's justices, forcibly enter into or break open the dwelling-house or outhouse of any person whomsoever in pursuit of any deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Penalty for purchasing clothes, &c. from any marine.

84. Any person who shall knowingly detain, buy, or exchange, or otherwise receive from any marine or marine deserter, or any other person acting for or on his behalf, upon any account or pretence whatsoever, or who shall solicit or entice any marine or marine deserter, or shall be employed by any marine or marine deserter, knowing him to be such, to sell any arms, ammunition, medals for good conduct or distinguishment or other service, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed

regimental or divisional necessaries, or any provisions, sheets, or other articles used in barracks or provided under barrack regulations, whether on shore or afloat, and whether the marine or marine deserter or other person be or be not borne on the books of any one of Her Majesty's ships, or be or be not embarked, or who shall have in his or her possession or keeping any arms, ammunition, medals, marine clothes, or military furniture, or any other articles which, according to the custom of the marine corps, are generally deemed regimental or divisional necessaries, or any provisions, spirits, sheets, or other articles used in barracks or provided under barrack regulations, and shall not give a satisfactory account how he or she came by the same, or shall change or cause the colour or mark of any such clothes, appointments, necessaries, sheets, or other articles to be changed or defaced, or who shall pawn, sell, or deposit in any place or with any person such articles of regimental necessaries, with or without the consent of such marine, shall forfeit for every such offence any sum not exceeding twenty pounds, together with treble the value of all or any of the several articles; and if any person having been at any time previously convicted of either of the above offences under this or any previous Act for the regulation of Her Majesty's Royal Marine forces while on shore shall afterwards be guilty of any such offence, he or she shall for every such offence forfeit any sum not exceeding twenty pounds but not less than five pounds, and the treble value of all or any of the several articles, and shall, in addition to such forfeiture, be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned with or without hard labour, for such term not exceeding six calendar months as the convicting justice or justices shall think fit; and upon any information against any person for a second or any subsequent offence, a copy of the former conviction, certified by the proper officer having the care or custody of such conviction, or any copy of the same proved to be a true copy, shall be sufficient evidence to prove such former conviction; and if any credible person shall prove, on oath before a justice of the peace or person exercising like authority according to the laws of that part of Her Majesty's dominions in which the offence shall be committed, a reasonable cause to suspect that any person has in his or her possession or on his or her premises any property of the description herein-before described, on or with respect to which any such offence shall have been committed, such justice may and he is hereby required to grant a warrant to search for such property as in the case of stolen goods; and if upon such search any such property shall be found, the same shall and may be

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seized by the officer charged with the execution of such warrant, who shall bring the offender in whose possession the same shall be found before the same or any other justice of the peace, to be dealt with according to law.

Penalty on unlawful recruiting.

85. Every person (except such recruiting parties as may be stationed under military command) who shall cause to be advertised, posted, or dispersed bills for the purpose of procuring recruits or substitutes for the Royal Marines, or shall open or keep any house or place of rendezvous or office, or receive any person therein under such bill or advertisement as connected with the marine recruiting service, or shall directly or indirectly interfere therewith, without permission in writing from the Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, shall forfeit for every such offence a sum not exceeding twenty pounds.

Penalty on killing game without leave.

86. For the better preservation of the game and fish in or near places where any officer shall at any time be quartered, every officer who shall, without leave in writing from the person or persons entitled to grant such leave, take, kill, or destroy any game or fish within the United Kingdom, shall for every such offence forfeit the sum of five pounds.

Limitations of actions.

87. If any action shall be brought against any member or members of a court-martial to be assembled under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, in respect of the proceedings or the sentence thereof, or against any other person, for anything done in pursuance or under the authority of this Act, or of any Act heretofore passed for the regulation of Her Majesty's Royal Marine forces while on shore, the same shall be brought in some one of the Courts of Record at Westminster or Dublin, or in the Court of Session in Scotland, and shall be commenced within six months next after the cause of action shall arise, and it shall be lawful for the defendant or defendants therein, or in any such action now pending, to plead thereto the general issue, and to give all special matter in evidence on the trial; and if the verdict shall be for the defendant in any such action, or if the plaintiff shall become nonsuit or suffer any discontinuance thereof, or if, in Scotland, the court shall see fit to assoilzie the defendant or dismiss the complaint, the court in which the matter shall be tried shall allow the defendant treble costs, for the recovery of which he shall have the like remedy as in other cases where costs by the laws of this realm are given to defendants.

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Recovery of penalties.

88. All offences for which any penalties and forfeitures are by this Act imposed, not exceeding twenty pounds, over and above any forfeiture of value or treble value, shall and may be determined, and such penalties and forfeitures, and forfeiture of value or treble value recovered, in every part of the United Kingdom except Scotland, by and before one or more justice or justices of the peace, under the provisions of an Act passed in the eleventh and twelfth years of the reign of Her Majesty Queen Victoria, intituled "An Act "to facilitate the performance of the duties of justices of the peace "out of sessions within England and Wales with respect to summary convictions and orders," and in Scotland by and before one or more justices of the peace under the provisions of the Summary Procedure Act, 1864: Provided always, that in all cases in which there shall not be sufficient goods whereon any penalty or forfeiture can be levied, the offender may be committed and imprisoned for any time not exceeding six calendar months; which last-recited Act but one shall be used and applied in Ireland for the recovery of all such penalties and forfeitures as fully to all intents as if the said recited Act had extended to Ireland, anything in the said recited Act, or in an Act passed in the fourteenth and fifteenth years of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate and amend the Acts regulating "the proceedings at petty sessions, and the duties of justices of "the peace out of quarter sessions, in Ireland," to the contrary notwithstanding; and all such offences committed in the British Isles, or in any of Her Majesty's dominions beyond the seas, may be determined, and the penalties and forfeitures and forfeiture of value or treble value recovered, before any justices of the peace or persons exercising like authority, according to the laws of the part of Her Majesty's dominions in which the offence shall be committed; and all penalties and forfeitures by this Act imposed exceeding twenty pounds shall be recovered by action in some of the Courts of Record at Westminster or in Dublin, or in India, or in the Court of Session in Scotland, and in no other court in the United Kingdom, and may be recovered in the British Isles or in any other parts of Her Majesty's dominions, in any of the royal or superior courts of such isles or other parts of Her Majesty's dominions. In any proceeding under this Act whereby any person incurs a penalty or forfeiture, such person may also be adjudged to pay the costs of such proceeding by the justice or justices or the court imposing such penalty or forfeiture.

11 & 12 Vict. c. 43.

14 & 15 Vict. c. 93.

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Appropriation of penalties.

89. One moiety of every such penalty or forfeiture, not including any treble value of any articles, shall go to the person who shall inform or sue for the same, and the other moiety, together with the treble value of such articles, or, where the offence shall be proved by the person who shall inform, then the whole of the penalty and such treble value, shall be paid over and applied in such manner as the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral shall direct, anything in an Act passed in the sixth year of the reign of His late Majesty King William the Fourth, intituled "An Act to provide for the "regulation of municipal corporations in England and Wales," or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every justice who shall adjudge any penalty under this Act shall within four days thereafter at the furthest report the same, and his adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licenses of canteens.

90. It shall be lawful for any two justices of the peace, within their respective jurisdictions, to grant or transfer any license for selling by retail any spirit, beer, wine, cider, or perry to any person or persons applying for the same who shall hold any canteen under any lease thereof, or by agreement with any department or other authority under the said Lord High Admiral, or the Commissioners for executing the office of Lord High Admiral for the time being, without regard to the time of year, or any notices or certificates required by any Act in respect of such licenses; and the Commissioners of Excise or their proper officers within their respective districts shall also grant or transfer any such license as aforesaid; and such persons holding such canteens, and having such licenses as aforesaid, may sell therein victuals, and all such exciseable liquors as they shall be licensed and empowered to sell, without being subject for so doing to any penalty or forfeiture whatever.

Mode of recording a marine's settlement.

91. The statement made by a recruit on his attestation of his place of birth shall (until legally disproved) be taken to be the place of his settlement, to which upon his discharge he may be sent by the Lord High Admiral or the Commissioners for executing the office of Lord High Admiral for the time being, but any justice in the United Kingdom, within whose jurisdiction any marine shall be quartered on shore, may summon such marine before him, which summons such marine is hereby required to obey, and take his examination in writing upon oath touching the place of his last legal settlement; and such justice shall give an attested copy of such examination to the person so

examined, to be by him delivered to his commanding officer to be produced when required; which said examination and such attested copy thereof shall be at any time admitted as good and legal evidence as to such legal settlement before any justice or at any general or quarter sessions of the peace, although such marine be dead or absent from the kingdom: Provided always, that in case any marine shall be again summoned to make oath as aforesaid, then, on such examination or such attested copy being produced, such marine shall not be obliged to make any other or further oath with regard to his legal settlement, but shall leave with such justice a copy of such examination or a copy of such attested copy of examination, if required.

Liability of marine to maintain wife and children.

92. Notwithstanding anything in this Act contained, a marine shall be liable to contribute to the maintenance of his wife and of his children, and also to the maintenance of any bastard child of which he may be proved to be the father, to the same extent as if he were not a marine; but execution shall not issue against his military necessaries or equipments, nor shall he be liable to be imprisoned or taken out of Her Majesty's service in consequence of such liability, or any order made for enforcing the same; nor shall he be liable to be punished as an idle or disorderly person, or as a rogue and vagabond, or as an incorrigible rogue, under the Act passed in the fifth year of the reign of King George the Fourth, chapter eighty-three, intituled "An Act for the punishment of idle "and disorderly persons, and rogues and vagabonds, in that part "of Great Britain called England," or under any other Act of Parliament, for the offence of neglecting to maintain his family or any member thereof, or of leaving his family or any member thereof chargeable to any parish, township, or place, or combination of parishes, or to the common fund of any union; nor shall he, in Ireland, be liable to be convicted under the Act passed in the session of Parliament held in the tenth and eleventh years of the reign of Her present Majesty, intituled "An Act to make provision for the "punishment of vagrants and persons offending against the laws in "force for the relief of the destitute poor in Ireland," for the offence of deserting or wilfully neglecting to maintain his wife or any child whom he may be liable to maintain, so that such wife or child shall become destitute and be relieved in or out of the workhouse of any union in Ireland.

When any order is made under the Acts relating to the relief of the poor, or under the Bastardy Acts, on a marine, or, in Scotland, decree is pronounced by a court of law having jurisdiction in an

A.D. 1876.

action of aliment or filiation and aliment against a marine for the maintenance of his wife or children, or for the maintenance of any such bastard child as aforesaid, or any of such persons, or where, in Ireland, any civil bill decree has been made for the cost of the maintenance of any illegitimate child against any marine being the putative father of such child, under the provisions of the Act passed in the session of Parliament held in the twenty-sixth and twenty-seventh years of the reign of Her present Majesty, intituled "An "Act to amend the law enabling boards of guardians to recover "costs of maintenance of illegitimate children in certain cases in "Ireland," or when any order or decree has been made on or against any marine for the recovery of the cost of any relief given to the wife or child of such marine under the Acts relating to the relief of the poor in Ireland by way of loan, a copy of such order or decree shall be left at the office of the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral, and the said Lord High Admiral or the said Commissioners for executing the office of Lord High Admiral may withhold a portion not exceeding sixpence of the daily pay of a non-commissioned officer who is not below the rank of sergeant, and not exceeding threepence of the daily pay of any other marine, and allot the sum so withheld in liquidation of the sum adjudged to be paid by such order or decree.

Where a summons is issued against a marine under the said Acts, or any of them, or an action is raised against him at common law or under any Act of Parliament, for the purpose of enforcing against him any such liability as aforesaid, and such marine is quartered out of the petty sessional division in which the summons is issued, or out of the jurisdiction of the court in which the action is raised, the summons shall be served on his commanding officer, and such service shall not be valid unless there be left therewith, or along with the service copy thereof, in the hands of the commanding officer, a sum of money to be adjudged as costs incurred in obtaining the order or decree (should an order be obtained or decree pronounced against the marine) sufficient to enable him to attend the hearing of the case, and return to his quarters; and no summons whatever under the said Acts or any of them, or at common law, shall be valid against a marine if served after the time at which an order has been given for his embarkation for service out of the United Kingdom.

Administration of oaths.

93. All oaths and declarations which are authorised or required by this Act may be administered (unless where otherwise provided) by any justice of the peace or other person having authority to administer oaths and declarations; and any person giving false

Perjury.

evidence, or taking a false oath or declaration where an oath or declaration is authorised or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt perjury, and shall be liable to such pains and penalties as persons convicted of wilful and corrupt perjury are or may be subject and liable to; and every commissioned officer convicted before a general court-martial of perjury shall be cashiered, and every marine or other person amenable to the provisions of this Act found guilty thereof by a general or other court-martial shall be punished at the discretion of such court: Provided always, that nothing in this Act contained shall be construed to render an oath necessary in any case where by law a solemn affirmation may be made instead thereof.

Definition of terms.

94. All clauses and provisions in this Act contained relating to England shall be construed to extend to Wales and to the town of Berwick-upon-Tweed; and the provisions of this Act shall apply to all persons who are or shall be commissioned or in pay as an officer of Royal Marines, or who are or shall be listed or in pay as a non-commissioned officer or marine; and all clauses and provisions relating to marines shall be construed to include non-commissioned officers and drummers, unless when otherwise provided; and all clauses and provisions relating to justices shall be construed to extend to all magistrates authorised to act as such in their respective jurisdictions; and all the powers given to and regulations made for the conduct of constables, and all penalties and forfeitures for any neglect thereof, shall extend to all tithingmen, headboroughs, and such-like officers, and to all inspectors or other officers of police, and to high constables and other chief officers and magistrates of cities, towns, villages, and places in England and Ireland, and to all justices of the peace, magistrates of burghs, commissioners of police, and other chief officers and magistrates of cities, towns, villages, parishes, and places in Scotland, who shall act in the execution of this Act; and all powers and provisions for billeting marines in victualling houses shall extend and apply to all inns, hotels, livery stables, alehouses, and to the houses of sellers of wine by retail, whether British or foreign, to be drunk in their own houses or places thereunto belonging, to all houses of persons licensed to sell beer, ale, porter, cider, or perry by retail, to be consumed or drunk in their dwelling-houses or premises, and to all houses of persons selling brandy, spirits, strong waters, cider, or metheglin by retail in Great Britain and Ireland; and in Ireland, when there shall not be found sufficient room in such houses, then marines may be billeted in such manner as has been heretofore

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Marines not to be billeted in private houses, &c.

customary: Provided always, that no officer or marine shall be billeted in Great Britain in any private houses, or in any canteen held or occupied under the authority of the Admiralty, War, or Marine Department, or upon persons who keep taverns only, being vintners of the city of London admitted to their freedom of that company in right of patrimony or apprenticeship, notwithstanding such persons who keep such taverns only have taken out victualling licenses; nor in the house of any distiller kept for distilling brandy and strong waters; nor in the house of any shopkeeper whose principal dealings shall be more in other goods and merchandise than in brandy and strong waters, so as such distillers and shopkeepers do not permit tippling in such houses; nor in the house or residence in any part of the United Kingdom of any foreign consul duly accredited as such.

Repeal of sect. 2. and Schedule A. of 10 & 11 Vict. c. 63.

95. The second section of the Act passed in the tenth and eleventh years of Her Majesty, chapter sixty-three, and Schedule A. annexed to the said Act, are hereby repealed.

Duration of Act.

96. This Act shall be in force within Great Britain from the twenty-fifth day of April one thousand eight hundred and seventy-six until the twenty-fifth day of April one thousand eight hundred and seventy-seven inclusive; and within Ireland, and in Jersey, Guernsey, Alderney, Sark, and the Isle of Man, and the islands thereto belonging, from the first day of May one thousand eight hundred and seventy-six until the first day of May one thousand eight hundred and seventy-seven inclusive; and within the garrison of Gibraltar, and within the Mediterranean, and in Spain and Portugal, from the first day of August one thousand eight hundred and seventy-six until the first day of August one thousand eight hundred and seventy-seven inclusive; and in all other parts of Europe where Royal Marine forces may be serving, and the West Indies and North America, and Cape of Good Hope, from the first day of September one thousand eight hundred and seventy-six until the first day of September one thousand eight hundred and seventy-seven inclusive; and in all other places from the first day of February one thousand eight hundred and seventy-seven until the first day of February one thousand eight hundred and seventy-eight inclusive: Provided always, that this Act shall, from and after the receipt and promulgation thereof in general orders in any part of Her Majesty's dominions or elsewhere beyond the seas, become and be in full force, anything herein contained to the contrary notwithstanding.

SCHEDULE referred to by this Act.

FORM of OATHS to be taken by MEMBERS of COURTS-MARTIAL.

YOU shall well and truly try and determine according to the evidence in the matter now before you. So help you GOD.

YOU shall duly administer justice, according to the rules and articles for the better government of Her Majesty's Royal Marine forces, and according to an Act now in force for the regulation of the said forces while on shore, without partiality, favour, or affection, and if any doubt shall arise which is not explained by the said articles or Act, according to your conscience, the best of your understanding, and the custom of war in the like cases: And you shall not divulge the sentence of the court until it shall be duly approved; neither shall you, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law. So help you GOD.

FORM of OATH of JUDGE ADVOCATE.

I do swear, that I will not, upon any account whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof as a witness by a court of justice or a court-martial in a due course of law; and that I will not, unless it be necessary for the due discharge of my official duties, disclose the sentence of the court until it shall be duly approved.

So help me GOD.

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NOTICE to be given to a RECRUIT at the Time of his ENLISTMENT.

Date 18 .

A.B.

TAKE notice, that you enlisted with at o'clock* on the day of for the Royal Marines, and if you do not come forward to [*here name some place*] on or before o'clock* on the day of for the purpose of being taken before a justice, either to be attested or to release yourself from your engagement by repaying the enlisting shilling and any pay you may have received as a recruit, and by paying twenty shillings as smart money, you will be liable to be punished as a rogue and vagabond.

You are hereby also warned that you will be liable to the same punishment if you make any wilfully false representations at the time of attestation.

Signature of the non-commissioned officer serving the notice. } _____

* At A.M. or P.M., as the case may be.

DECLARATION to be made by RECRUIT on ATTESTATION.

I now residing in the parish of in the county of , do solemnly and sincerely declare, that to the best of my knowledge and belief I was born in the parish of (*a*) in or near the town of (*b*) in the county of (*c*) , and am years of age; that I am of the trade or calling of [*or* of no trade or calling, *as the case may be*]; that I am not an apprentice; that I am married (that I am not a widower; that I am a widower, and that I have (*or* have not) children) [*or* not married, *as the case may be*]; that I do not belong to the Militia, or to the Naval Coast Volunteers, or Royal Naval Volunteers, or to any portion of Her Majesty's land or sea forces; that I have never served Her Majesty by land or sea in any military, marine, or naval employment whatsoever, except ; that I have never been marked with the letter D; that I have never

been rejected as unfit for Her Majesty's service on any previous enlistment; that I was enlisted at on the day of 18 , at o'clock M. by of , and that I have read [*or* had read to me] the notice then given to me and understood its meaning; that I enlisted for a bounty of and a free kit [*as the case may be*], and have no objection to make to the manner of my enlistment; that I am willing to be attested to serve in the Royal Marines for the term of [*the blank after the words* "term of" *to be filled up with twelve years, if the person enlisted is of the age of eighteen years or upwards; but if under that age, then the difference between his age and eighteen is to be added to such twelve years*], provided Her Majesty should so long require my services, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

_____ *Signature of recruit.*
_____ *Signature of witness.*

Note (*a*), (*b*), (*c*).—These blanks need not be filled up if the recruit is unable to give the requisite information.

Oath to be taken by a Recruit on Attestation.

I DO make oath, that I will be faithful and bear true allegiance to Her Majesty, her heirs and successors; and that I will, as in duty bound, honestly and faithfully defend Her Majesty, her heirs and successors, in person, crown, and dignity, against all enemies, and will observe and obey all orders of Her Majesty, her heirs and successors, and of the generals and officers set over me.

So help me GOD.

Witness my hand, _____ *Signature of the recruit.*
_____ *Witness present.*

Declared and sworn before me at this day of one thousand eight hundred and at o'clock.

_____ *Signature of the justice.*

A.D. 1876.

DECLARATION to be made by a MARINE renewing his Service.

I do declare, that I am at present [*or* was, *as the case may be*,] in the division of the Royal Marine forces; that I enlisted on the day of for a term of years; that I am of the age of years; and that I will serve Her Majesty, her heirs and successors, as a marine, for a further term of years [*to be filled up with such number of years as shall be required to complete a total service of twenty-one years*], provided my services should so long be required, and also for such further term, not exceeding two years, as shall be directed by the commanding officer on any foreign station.

Signature of marine.

Signature of witness.

Declared before me this day of 18 .

FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make oath, that I am by trade a , and that was bound to serve as an apprentice to me in the said trade, by indenture dated the day of for the term of years; and that the said did on or about the day of last abscond and quit my service without my consent, and that to the best of my knowledge and belief the said is aged about years. Witness my hand at the day of one thousand eight hundred and

Sworn before me at this day of one thousand eight hundred and .

A.D. 1876.

Form of Justice's Certificate to be given to the Master of an Apprentice.

to wit. } I one of Her Majesty's justices of the peace of certify, that of came before me at the day of one thousand eight hundred and , and made oath that he was by trade a , and that was bound to serve as an apprentice to him in the said trade, by indenture dated the day of , for the term of years; and that the said apprentice did on or about the day of abscond and quit the service of the said without his consent, and that to the best of his knowledge and belief the said apprentice is aged about years.

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DESCRIPTION RETURN of who was apprehended [*or* surrendered himself, *as the case may be*] on the day of and was committed to confinement at on the day of as deserter from the Royal Marines.

Age - - - - -	
Height - - - -	Feet. Inches.
Complexion - - - -	
Hair - - - -	
Eyes - - - - -	
Marks - - - -	
Probable date of enlistment, and where	
Probable date of desertion, and from what place - - - -	
Name and occupation and address of the person by whom or through whose means the deserter was apprehended and secured -	
* Particulars of the evidence on which the prisoner is committed; and showing whether he surrendered or was apprehended, and in what manner, and upon what grounds	

* It is important for the public service, and for the interest of the deserter, that this part of the return should be accurately filled up, and the details should be inserted by the magistrate in his own handwriting, or, under his direction, by his clerk.

I do hereby certify, that the prisoner has been duly examined before me as to the circumstance herein stated, and has declared in my presence that he † a deserter from the above-mentioned corps.

——— *Signature and address of magistrate.*

——— *Signature of prisoner.*

——— *Signature of informant.*

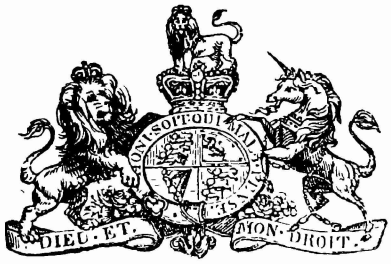
† Insert "is" or "is not," as the case may be.

I certify, that I have inspected the prisoner, and consider him ‡ for military service.

——— *Signature of military medical officer, or of private medical practitioner.*

‡ Insert "fit" or "unfit," as the case may be, and if unfit state the cause of unfitness.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.



CHAPTER 10.

An Act to enable Her most Gracious Majesty to make an addition to the Royal Style and Titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies. [27th April 1876.]

A.D. 1876.

WHEREAS by the Act for the Union of Great Britain and Ireland passed in the fortieth year of the reign of His late Majesty King George the Third, chapter sixty-seven, it was provided that after such Union as aforesaid the royal style and titles appertaining to the Imperial Crown of the United Kingdom and its Dependencies should be such as His Majesty by his Royal Proclamation under the Great Seal of the United Kingdom should be pleased to appoint:

39 & 40 G. 3. c. 67. A.D. 1800.

And whereas by virtue of the said Act and of a Royal Proclamation under the Great Seal, dated the first day of January one thousand eight hundred and one, the present style and titles of Her Majesty are "Victoria by the Grace of God of the United "Kingdom of Great Britain and Ireland, Queen, Defender of the "Faith":

And whereas by the Act for the better government of India, passed in the session of the twenty-first and twenty-second years of the reign of Her present Majesty, chapter one hundred and six, it was enacted that the government of India, theretofore vested in the East India Company in trust for Her Majesty, should become vested in Her Majesty, and that India should thenceforth be governed by and in the name of Her Majesty, and it is expedient that there should be a recognition of the transfer of government so made by means of an addition to be made to the style and titles of Her Majesty:

21 & 22 Vict c. 106.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

A.D. 1876.

Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Power to Her Majesty to make addition to style and titles of Crown.

It shall be lawful for Her most Gracious Majesty with a view to such recognition as aforesaid of the transfer of the government of India, by Her Royal Proclamation under the Great Seal of the United Kingdom, to make such addition to the style and titles at present appertaining to the Imperial Crown of the United Kingdom and its Dependencies as to Her Majesty may seem meet.

LONDON. Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 11.

An Act to amend the Act of the Seventh and Eighth Years of Her Majesty, Chapter Forty-four, relating to the Formation of quoad sacra Parishes in Scotland. A.D. 1876.

[1st June 1876.]

WHEREAS an Act was passed in the seventh and eighth years of the reign of Her present Majesty, intituled "An Act to "facilitate the disjoining or dividing of extensive or populous "parishes, and the erecting of new parishes, in that part of the "United Kingdom called Scotland:" 7 & 8 Vict. c. 44.

And whereas there are in Scotland united parishes in which there is more than one glebe forming part of the benefice:

And whereas it is expedient that where an application is presented under the recited Act for the disjunction of a portion of a united parish having more than one glebe, and its erection into a parish quoad sacra, it should be lawful for the Court of Teinds, under certain conditions, to transfer to the minister of such parish quoad sacra one of the glebes of such united parish:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may for all purposes be cited as "The United Parishes (Scotland) Act, 1876." Short title.

2. The expression "Court of Teinds" shall mean the Lords of Council and Session acting in their capacity of commissioners for the plantation of kirks and valuation of teinds. Definitions.

The expression "glebe" shall include grass glebe or ministers grass, and any land settled in perpetuity on the minister for the time being.

3. If in the course of any proceedings under the recited Act for the disjunction of a portion of a united parish in Scotland and for Court in pronouncing decree of

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disjunction and erection may declare one of several glebes of a united parish to be the glebe of new parish quoad sacra.

its erection into a parish quoad sacra it shall appear that there is more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the presbytery, in pronouncing decree of disjunction and erection, to declare that one of such glebes, duly described by its marches and boundaries and with its parts and pertinents, shall be transferred from the minister of such united parish to the minister of such parish quoad sacra, and such glebe shall thereafter be the glebe of the said parish quoad sacra, and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

Provision in case benefice of united parish comprises more than one glebe.

4. If a portion of a united parish in Scotland has under the provisions of the recited Act been erected into a parish quoad sacra, and it shall appear in the course of any proceedings taken under this Act that there is more than one glebe forming part of the benefice of such united parish, it shall be lawful for the Court of Teinds, upon sufficient evidence being produced of the consent of the presbytery, to decern and declare that one of such glebes, duly described by its marches and boundaries and with its parts and pertinents, shall be transferred from the minister of such united parish to the minister of such parish quoad sacra, and such glebe shall thereafter be the glebe of the said parish quoad sacra, and the minister thereof shall be invested with all those rights in relation thereto which were formerly vested in the minister of the said united parish: Provided always, that the right to the personal occupancy and enjoyment of such glebe as aforesaid shall continue with the minister of the said united parish in office at the date of such decree during his incumbency, unless he shall, by a deed duly executed and lodged with the clerk of the presbytery, renounce the same.

Glebe not to be subject to trust.

5. The glebe which shall be declared as aforesaid to be the glebe of the parish erected quoad sacra shall not be subject to the provisions of any trust constituted in terms of the recited Act, subject to this proviso, that if a manse and offices are erected on such glebe, either before or after decree of disjunction and erection or decree as aforesaid, the site of such manse and offices shall be

subject to the provisions of any trusts constituted in terms of said recited Act.

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Not to increase liabilities of heritors.

6. Nothing in this Act shall increase or affect the existing liabilities of the heritors in any parish.

This Act and recited Act incorporated.

7. This Act shall be deemed to be incorporated with the recited Act, and the recited Act shall be read and construed accordingly.

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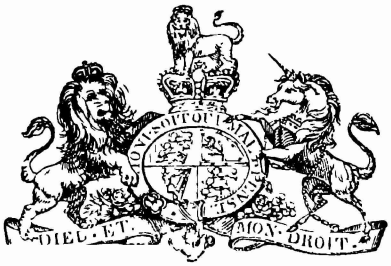

CHAPTER 12.

An Act to assimilate the Law of Scotland to that of England respecting the creation of Burgesses. [1st June 1876.]

A.D. 1876.

WHEREAS an Act was passed in the fifth and sixth year of His Majesty William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of Municipal Corporations "in England and Wales:"

And whereas another Act was passed in the thirty-second and thirty-third year of Her Majesty, chapter fifty-five, amending the same:

And whereas it is expedient to assimilate the law of Scotland in some respects to the law of England as regards the creation of burgesses:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same:

Qualification of burgesses.

1. Every person in Scotland of full age, liable to be rated for the relief of the poor, who at the term of Whitsunday one thousand eight hundred and seventy-six, or any succeeding term of Whitsunday in any year, shall have occupied any house, warehouse, counting-house, shop, or other building within any burgh in which there are burgesses, during the whole of that year, and the whole of the two preceding years, and who, during the time of such occupation, shall have been an inhabitant householder within the said burgh, and who shall have been rated in respect of such premises so occupied within the burgh to all rates made for the relief of the poor of the parish wherein such premises are situated during the time of his occupation as aforesaid, and who shall have paid, on or before the last term of Whitsunday as aforesaid, all such rates, together with all burgh rates, if

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any, as shall have become payable in respect of the said premises, except such as shall have become payable within six calendar months next before the said last term of Whitsunday, shall be, subject to the conditions herein-after contained, a burgess of such burgh, so long as such person shall occupy premises, and be rated and pay rates in manner aforesaid within the same: Provided that the premises in respect of the occupation of which any person shall have been so rated need not be the same premises or in the same parish, but may be different premises in the same parish or different parishes: Provided also, that no person being an alien, and no person who, within twelve calendar months next before the last term of Whitsunday, shall have received parochial relief, or any pension or charitable allowance from the town council revenues of such burgh, or from any corporate body within the same, shall by virtue of this Act be held to be a burgess of such burgh so long as he continues to receive such pension or charitable allowance: Provided further, that no person shall be disqualified from being a burgess as aforesaid by reason that any child of such person shall have been admitted and taught within any endowed school.

Saving.

2. Nothing herein contained shall interfere with any law or legal usage by which burgesses are now created or admitted in any burgh, or give or imply any right or title to or interest in any merchants house or trades house, or any patrimonial lands, common or other properties, funds, or revenues of any of the guilds, burgesses of guild, crafts, or incorporations of the burgh, or to or in any burgess acres, or any grazing rights connected therewith, or any mortifications or benefactions for behoof of the members of such guilds, burgesses of guild, crafts, or incorporations, or of their families, or any right of management thereof, or any membership in any of the said guilds, burgesses of guild, crafts, or incorporations, or of such burgess acres: Provided that the widows and children of burgesses admitted under this Act, and who may die during the period of their burgess-ship, shall have and enjoy all the rights and privileges which the widows and children of simple burgesses created or admitted in any other manner now enjoy by the law and practice of Scotland.

Commutation of petty customs.

3. Whereas the effect of this Act may be to reduce the produce of the petty customs or duties leviable in any burgh: Be it enacted, that in the event of the magistrates and council of such burgh resolving in terms of the Act passed in the thirty-third and thirty-

fourth years of the reign of Her Majesty, chapter forty-two, to abolish such petty customs and duties and in lieu thereof to levy, by way of assessment, a rate or rates not exceeding the rate or rates mentioned in the said Act, calculated to yield in the whole in the year an amount equal to the nett yearly amount of such petty customs, it shall be lawful to calculate such nett yearly amount with reference to the produce of the petty customs or duties levied in such burgh in the year ending Whitsunday one thousand eight hundred and seventy-six. A.D. 1876.

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Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 13.

An Act to prevent the Administration of Poisonous Drugs to Horses and other Animals. [1st June 1876.]

A.D. 1876.

WHEREAS it is expedient to make provision against the practice of administering poisonous drugs to horses and other animals by disqualified persons, and without the knowledge and consent of the owners of such horses and animals:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Penalty on giving poisonous drugs to horses, &c. unlawfully.

1. If any person wilfully and unlawfully administers to or causes to be administered to or taken by any horse, cattle, or domestic animal any poisonous or injurious drug or substance, he shall (unless some reasonable cause or excuse is shown on his behalf) be liable, on summary conviction, to a penalty not exceeding five pounds, or, at the discretion of the court, to imprisonment, with or without hard labour, for any term not exceeding one month in the case of a first offence, or three months in the case of a second or any subsequent offence.

Saving of persons qualified, &c.

2. Nothing in this Act shall extend to any person being owner or acting by authority of the owner of the horse, cattle, or other animal to which any drug or substance is administered.

Saving of other laws.

3. Nothing in this Act shall exempt a person from liability to any greater or other punishment under any other Act or law, so that he be not more than once punished for the same offence.

Prosecution.

4. Any offence against this Act may be prosecuted in the manner provided by the Summary Jurisdiction Acts before two justices of the peace.

Extent of Act.

5. This Act shall not extend to Scotland or to Ireland.

Short title.

6. This Act may be cited as the "Drugging of Animals Act, 1876."

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CHAPTER 14.

An Act to extend the provisions of the Exchequer and Audit Departments Act, 1866, to the Accounts of the Commissioners for the Government of the Royal Hospital at Chelsea. [1st June 1876.]

A.D. 1876.

WHEREAS by sections forty and forty-one of the Army Prize Act, 1832, it is enacted that the deputy treasurer of the Royal Hospital at Chelsea (in this Act referred to as Chelsea Hospital) shall lay annually before both Houses of Parliament an account in the form therein mentioned, and that the treasurer or deputy treasurer of the said Hospital shall render to the Commissioners thereof an account of their receipts and payments as therein mentioned, and the Commissioners are authorised to examine, audit, and finally pass the same:

2 & 3 Will. 4. c. 53.

And whereas in pursuance of the Paymaster General Act, 1835, all the powers and duties of the treasurer of Chelsea Hospital are now vested in Her Majesty's Paymaster General:

5 & 6 Will. 4. c. 35.

And whereas by section thirty-three of the Exchequer and Audit Departments Act, 1866, the Comptroller and Auditor General is directed to examine and audit, if required so to do by the Treasury, in accordance with regulations of the Treasury, the accounts therein mentioned; and it is expedient to extend the said enactment to the accounts of Chelsea Hospital:

29 & 30 Vict. c. 39.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Exchequer and Audit Departments Act, 1866, shall apply to the accounts of the receipts and expenditure of the Commissioners of Chelsea Hospital for services other than those voted by Parliament in like manner as if those accounts were mentioned in section thirty-three of the said Act. The accounts, together with

Extension of 29 & 30 Vict. c. 39. to accounts of Chelsea Hospital.

A.D. 1876.

the report of the Comptroller and Auditor General thereon, shall be laid before both Houses of Parliament within one month after he has audited the same.

Sections forty and forty-one of the Army Prize Act, 1832, are hereby repealed, as from the thirty-first day of March one thousand eight hundred and seventy-six, without prejudice to anything done or suffered under the said enactments; and the accounts of all receipts and expenses prior to the said date shall be laid before Parliament, and may be examined, audited, and passed, as if this Act had not passed.

Short title.

2. This Act may be cited as the Chelsea Hospital Act, 1876.

The Acts in the schedule to this Act are in this Act referred to by the short titles therein mentioned.

SCHEDULE.

Session and Chapter.	Title.	Short Title.
2 & 3 Will. 4. c. 53.	An Act for consolidating and amending the laws relating to the payment of army prize money.	The Army Prize Act, 1832.
5 & 6 Will. 4. c. 35.	An Act for consolidating the offices of Paymaster General, Paymaster and Treasurer of Chelsea Hospital, Treasurer of the Navy, and Treasurer of the Ordnance.	The Paymaster General Act, 1835.

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CHAPTER 15.

An Act to apply the sum of Eleven million pounds out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-seven. [1st June 1876.]

A.D. 1876.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Issue of 11,000,000*l.* out of the Consolidated Fund for the service of the year ending 31st March 1877.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven, the sum of eleven million pounds.

Power to the Treasury to borrow.

2. The Commissioners of the Treasury may borrow from time to time on the credit of the said sums, any sum or sums not exceeding in the whole the sum of eleven million pounds, and shall repay the moneys so borrowed with interest not exceeding five pounds per centum per annum out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

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Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

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Customs and Inland Revenue.

[39 Vict. Ch. 16.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title.

A.D. 1876.

PART I.

Customs and Excise.

2. Grant of customs duties on tea.
3. As to bottling spirits in a customs or excise warehouse for exportation only.
4. Alteration of duties on licenses to retail wine for consumption on the premises.—s. 14 of 6 Geo. 4. c. 81. repealed as respects wine licenses.—Alteration of scale of abatement to meet alteration of duties.
5. Restriction of term "male servant" in s. 19 of 32 & 33 Vict. c. 14.

PART II.

Income Tax.

6. Grant of duties of income tax.
7. Provisions of Income Tax Acts to apply to duties hereby granted.
8. Exemption where income is under 150*l.*, and abatement where income is under 400*l.*
9. Repeal of enactments in schedule.
10. Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

PART III.

Stamps.

11. Instruments increasing rent to be chargeable with stamp duty as leases at the additional rent.

PART IV.

Land Tax.

12. Repeal of duties of 1*s.* and of 6*d.* on certain offices, &c., and of land tax duties on offices and pensions.

SCHEDULE.

CHAPTER 16.

An Act to grant and alter certain Duties of Customs and Inland Revenue, and to amend the Laws relating to Customs and Inland Revenue. [1st June 1876.] A.D. 1876.

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland, in Parliament assembled, towards raising the necessary supplies to defray Your Majesty's public expenses, and making an addition to the public revenue, have freely and voluntarily resolved to give and grant unto Your Majesty the several duties herein-after mentioned, and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Customs and Inland Revenue Act, 1876." Short title.

PART I.

Customs and Excise.

2. The duties of customs now charged on tea shall continue to be levied and charged on and after the first day of August one thousand eight hundred and seventy-six until the first day of August one thousand eight hundred and seventy-seven on importation into Great Britain or Ireland; (that is to say,) Grant of customs duties on tea.

Tea, the pound - - - - Sixpence.

A.D. 1876.

As to bottling spirits in a customs or excise warehouse for exportation only.

3. Whereas any spirits warehoused in a customs or excise warehouse may by law, subject to the regulations of the Commissioners of Customs and the Commissioners of Inland Revenue respectively, be bottled in quart or pint bottles for exportation or for use as ship's stores: And whereas it is expedient to allow the use of bottles of any capacity approved by the Commissioners of Customs and the Commissioners of Inland Revenue respectively in bottling for exportation only: Be it enacted, that subject to such regulations as may be from time to time made by the Commissioners of Customs and the Commissioners of Inland Revenue respectively as to capacity of bottles, packing the same, and otherwise, any spirits deposited in customs or excise warehouse may be bottled and packed in cases for exportation only.

Alteration of duties on licenses to retail wine for consumption on the premises.—s. 14 of 6 Geo. 4. c. 81. repealed as respects wine licenses.—Alteration of scale of abatement to meet alteration of duties.

4. In lieu of the duties at several rates now payable under the Acts of the sixth year of the reign of King George the Fourth, chapter eighty-one, and of the third and fourth years of Her Majesty's reign, chapter seventeen, on licenses to retailers of foreign wine, and under the Act of the twenty-third and twenty-fourth years of Her Majesty's reign, chapter twenty-seven, and the Act of the same years, chapter one hundred and seven, on every license to any licensed keeper of a refreshment house to sell therein by retail foreign wine to be consumed on the premises, there shall be paid for each such license the uniform duty of - - - - - - - £2 4*s.* 1*d.*

So far as regards any such license as aforesaid to be granted under the said Act of the sixth year of the reign of King George the Fourth, chapter eighty-one, the provisions contained in the fourteenth section of the said Act are hereby repealed.

In lieu of the scale of abatement contained in section nine of the Act of the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-one, the following scale shall be substituted, and the said section shall be read as if the said scale therein contained had been as follows; (that is to say,)

	£	*s.*	*d.*
Where the house and premises in respect of which such licenses shall be granted shall in England be under the rent and value, or in Ireland under the value, of thirty pounds a year, an abatement of - - - - -	0	7	4
And where the same shall be of the rent or value of thirty pounds or upwards, an abatement of - - - - - -	0	17	10

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Restriction of term "male servant" in s. 19 of 32 & 33 Vict. c. 14.

5. The term "male servant," as used in the Act of the thirty-second and thirty-third years of Her Majesty's reign, chapter fourteen, shall not include a servant who, being bonâ fide employed in any capacity other than the capacities specified or referred to in provision numbered three of section nineteen of the said Act, is occasionally or partially employed in any of the said capacities so specified or referred to, and shall not include a person who has been bonâ fide engaged to serve his employer for a portion only of each day and does not reside in his employer's house.

PART II.

Income Tax.

Grant of duties of income tax.

6. There shall be charged, collected, and paid for the year commencing on the sixth day of April one thousand eight hundred and seventy-six, in respect of all property, profits, and gains mentioned or described as chargeable in the Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, the following duties of income tax; (that is to say,)

For every twenty shillings of the annual value or amount of property, profits, and gains chargeable under Schedules (A.), (C.), (D.), or (E.) of the said Act, the duty of threepence:

And for every twenty shillings of the annual value of the occupation of lands, tenements, hereditaments, and heritages chargeable under Schedule (B.) of the said Act,—

In England, the duty of one penny halfpenny;

In Scotland and Ireland respectively, the duty of one penny farthing.

Provisions of Income Tax Acts to apply to duties hereby granted.

7. All such provisions contained in any Act relating to income tax as were in force on the fifth day of April one thousand eight hundred and seventy-six, and are not repealed by this Act, shall have full force and effect with respect to the duties of income tax granted by this Act so far as the same shall be consistent with the provisions of this Act; and for the purposes of this Act the year one thousand eight hundred and sixty-two, mentioned in the forty-third section of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, shall be read as and deemed to mean the year one thousand eight hundred and seventy-six.

Exemption where income is

8. The exemption granted by the Act of the fifth and sixth years of Her Majesty's reign, chapter thirty-five, to persons whose

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under 150*l.*, and abatement where income is under 400*l.*

respective incomes are less than one hundred and fifty pounds a year is hereby restored, and in lieu of the relief granted by section twelve of "The Customs and Inland Revenue Act, 1872," to a person whose income, although amounting to one hundred pounds or upwards, is less than three hundred pounds, the following relief or abatement shall be given or made to a person whose income is less than four hundred pounds, that is to say, any person who shall be assessed or charged to any of the duties of income tax granted by this Act, or who shall have paid the same either by deduction or otherwise, and who shall claim and prove in the manner prescribed by the Acts relating to income tax that his total income from all sources, although amounting to one hundred and fifty pounds or upwards, is less than four hundred pounds, shall be entitled to be relieved from so much of the said duties assessed upon or paid by him as an assessment or charge of the said duties upon one hundred and twenty pounds of his income would amount unto, and the relief shall be given either by reduction or abatement of the assessment upon such person, or by the repayment to him of so much of the excess as he shall have paid, or by both of those means, as the case may require.

Repeal of enactments in schedule.

9. The enactments relating to income tax specified in the schedule to this Act are hereby repealed.

Provisions of Income Tax Acts to apply to duties to be granted for succeeding year.

10. In order to insure the collection in due time of any duties of income tax which may be granted for the year commencing on the sixth day of April one thousand eight hundred and seventy-seven, all such provisions contained in any Act relating to the duties of income tax as are in force on the fifth day of April one thousand eight hundred and seventy-seven shall have full force and effect, with respect to the duties of income tax which may be so granted, in the same manner as if the said duties had been actually granted and the said provisions had been applied thereto by an Act of Parliament passed on that day: Provided, that nothing in this section shall be deemed to render necessary or authorise the appointment of assessors for such of the said duties as may be payable under Schedules (A.) and (B.) of the said Act of the sixteenth and seventeenth years of Her Majesty's reign, chapter thirty-four, or to continue the rates of income tax granted by this Act.

PART III.

Stamps.

Instruments increasing rent to be

11. An instrument whereby the rent reserved by any other instrument chargeable with stamp duty as a lease or tack and duly

stamped accordingly is increased, shall not be chargeable with stamp duty otherwise than as a lease or tack in consideration of the additional rent thereby made payable.

A.D. 1876.

chargeable with stamp duty as leases at the additional rent.

PART IV.

Land Tax.

12. Whereas it is expedient that the duties of one shilling and of sixpence now payable on certain offices and employments of profit and annuities, pensions, and stipends, and also the duties on offices and pensions now assessed by the Commissioners of Land Tax should cease and determine: Be it enacted that the Acts and parts of Acts relating to the said duties respectively which are specified in the schedule to this Act are hereby repealed, save as to any arrears of the said duties or any of them for any year.

Repeal of duties of 1*s.* and of 6*d.* on certain offices, &c., and of land tax duties on offices and pensions.

A.D. 1876.

SCHEDULE

Containing the Enactments relating to Income Tax repealed by this Act.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
5 & 6 Vict. c. 35. -	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices, &c. &c.	Section 32.
23 & 24 Vict. c. 14.	An Act for granting to Her Majesty duties on profits arising from property, professions, trades, and offices.	Section 6.
35 & 36 Vict. c. 20.	The Customs and Inland Revenue Act, 1872 -	Part IV.
38 & 39 Vict. c. 23.	The Customs and Inland Revenue Act, 1875 -	Section 6.

The Acts and parts of Acts relating to duties on Offices and Pensions, &c. repealed by this Act.

Session and Chapter.	Title or abbreviated Title.	Extent of Repeal.
7 Geo. 1. Stat. 1. c. 27.	An Act for raising a sum not exceeding five hundred thousand pounds, &c.	Section 19.
49 Geo. 3. c. 32. -	An Act for continuing and making perpetual several duties of one shilling and sixpence, &c.	The whole Act.
6 Geo. 4. c. 9. -	An Act for continuing to His Majesty for one year certain duties on personal estates, offices, and pensions in England, &c.	Sections 3, 15 to 18, both inclusive, 20 and 21.
6 & 7 Will. 4. c. 97.	An Act for continuing and making perpetual the duty on certain offices and pensions.	The whole Act.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 17.

An Act to amend the Partition Act, 1868. A.D. 1876.

[27th June 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Partition Act, 1876, and shall be read as one with the Partition Act, 1868. Short title.

2. This Act shall apply to actions pending at the time of the passing of this Act as well as to actions commenced after the passing thereof, and the term "action" includes a suit, and the term "judgment" includes decree or order. Application of Act.

3. Where in an action for partition it appears to the court that notice of the judgment on the hearing of the cause cannot be served on all the persons on whom that notice is by the Partition Act, 1868, required to be served, or cannot be so served without expense disproportionate to the value of the property to which the action relates, the court may, if it thinks fit, on the request of any of the parties interested in the property, and notwithstanding the dissent or disability of any others of them, by order, dispense with that service on any person or class of persons specified in the order, and, instead thereof, may direct advertisements to be published at such times and in such manner as the court shall think fit, calling upon all persons claiming to be interested in such property who have not been so served to come in and establish their respective claims in respect thereof before the Judge in Chambers within a time to be thereby limited. After the expiration of the time so limited all persons who shall not have so come in and established such claims, whether they are within or without the jurisdiction of the court (including persons under any disability), shall be bound by the proceedings in the action Power to dispense with service of notice of decree or order in special cases.

A.D. 1876.

as if on the day of the date of the order dispensing with service they had been served with notice of the judgment, service whereof is dispensed with; and thereupon the powers of the court under the Trustee Act, 1850, shall extend to their interests in the property to which the action relates as if they had been parties to the action; and the court may thereupon, if it shall think fit, direct a sale of the property and give all necessary or proper consequential directions.

Proceedings where service is dispensed with.

4. Where an order is made under this Act dispensing with service of notice on any person or class of persons, and property is sold by order of the court, the following provisions shall have effect:

(1.) The proceeds of sale shall be paid into court to abide the further order of the court:

(2.) The court shall, by order, fix a time, at the expiration of which the proceeds will be distributed, and may from time to time, by further order, extend that time:

(3.) The court shall direct such notices to be given by advertisements or otherwise as it thinks best adapted for notifying to any persons on whom service is dispensed with, who may not have previously come in and established their claims, the fact of the sale, the time of the intended distribution, and the time within which a claim to participate in the proceeds must be made:

(4.) If at the expiration of the time so fixed or extended the interests of all the persons interested have been ascertained, the court shall distribute the proceeds in accordance with the rights of those persons:

(5.) If at the expiration of the time so fixed or extended the interests of all the persons interested have not been ascertained, and it appears to the court that they cannot be ascertained, or cannot be ascertained without expense disproportionate to the value of the property or of the unascertained interests, the court shall distribute the proceeds in such manner as appears to the court to be most in accordance with the rights of the persons whose claims to participate in the proceeds have been established, whether all those persons are or are not before the court, and with such reservations (if any) as to the court may seem fit in favour of any other persons (whether ascertained or not) who may appear from the evidence before the court to have any primâ facie rights which ought to

be so provided for, although such rights may not have been fully established, but to the exclusion of all other persons, and thereupon all such other persons shall by virtue of this Act be excluded from participation in those proceeds on the distribution thereof, but notwithstanding the distribution any excluded person may recover from any participating person any portion received by him of the share of the excluded person.

Provision for case of successive sales in same action.

5. Where in an action for partition two or more sales are made, if any person who has by virtue of this Act been excluded from participation in the proceeds of any of those sales establishes his claim to participate in the proceeds of a subsequent sale, the shares of the other persons interested in the proceeds of the subsequent sale shall abate to the extent (if any) to which they were increased by the non-participation of the excluded person in the proceeds of the previous sale, and shall to that extent be applied in or towards payment to that person of the share to which he would have been entitled in the proceeds of the previous sale if his claim thereto had been established in due time.

Request by married woman, infant, or person under disability.

6. In an action for partition a request for sale may be made or an undertaking to purchase given on the part of a married woman, infant, person of unsound mind, or person under any other disability, by the next friend, guardian, committee in lunacy (if so authorised by order in lunacy), or other person authorised to act on behalf of the person under such disability, but the court shall not be bound to comply with any such request or undertaking on the part of an infant unless it appear that the sale or purchase will be for his benefit.

Action for partition to include action for sale and distribution of the proceeds.

7. For the purposes of the Partition Act, 1868, and of this Act, an action for partition shall include an action for sale and distribution of the proceeds, and in an action for partition it shall be sufficient to claim a sale and distribution of the proceeds, and it shall not be necessary to claim a partition.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Treasury Solicitor.

[39 & 40 VICT. CH. 18.]

ARRANGEMENT OF CLAUSES.

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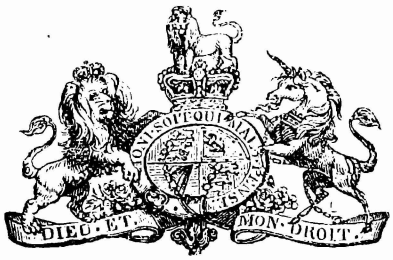
Clause.

1. Treasury Solicitor constituted a corporation sole.
2. Grant of administration to Solicitor of Treasury.
3. Power for Assistant Solicitor to act on behalf of Treasury Solicitor.
4. Disposal of money and property received under administration or forfeiture and of unclaimed grants.
5. Rules by Treasury.
6. Application of Act to previous administrations, &c.
7. Definitions.
8. Saving for existing Queen's Proctor.
9. Repeal of Act.
10. Short title.

SCHEDULES.



CHAPTER 18.

An Act to incorporate the Solicitor for the affairs of Her Majesty's Treasury, and make further provision respecting the grant of the administration of the Estates of deceased persons for the use of Her Majesty. [27th June 1876.]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury Solicitor constituted a corporation sole.

1. The person for the time being holding the office of Solicitor for the affairs of Her Majesty's Treasury (in this Act referred to as the Treasury Solicitor) shall be a corporation sole by the name of the Solicitor for the affairs of Her Majesty's Treasury, and by that name shall have perpetual succession, with a capacity to acquire and hold in that name lands, Government securities, shares in any public company, securities for money, and real and personal property of every description, to sue and be sued, to execute deeds, using an official seal, to make leases, to enter into engagements binding on himself and his successors in office, and to do all other acts necessary or expedient to be done in the execution of the duties of his office.

Any document purporting to be sealed with the said official seal shall be receivable in evidence of the particulars stated in such document.

Grant of administration to Solicitor of Treasury.

2. Where, by reason of Her Majesty having become entitled in right of Her Crown to the personal estate of an intestate or otherwise, any court has power to grant administration of the personal estate of any deceased person to a nominee of Her Majesty, and Her Majesty, by warrant under Her Royal Sign Manual, is pleased to nominate for that purpose the Treasury Solicitor for the time being,

A.D. 1876.

the court may grant such administration for the use of Her Majesty to the Treasury Solicitor (by his official name) and his successors, or, if the warrant so provide, to some person nominated in that behalf by the Treasury Solicitor.

A royal warrant may nominate the Treasury Solicitor for the purposes of this section, either in any particular case or class of cases, or in all cases, and may limit such nomination to be during Her Majesty's pleasure, or during any limited period, or otherwise, as to Her Majesty may seem fit; and may, if to Her Majesty seem fit, authorise the Treasury Solicitor to nominate some other person to take out the administration in any particular case or class of cases.

The administration so granted to the Treasury Solicitor, and the office of administrator under such grant, and all the estate, rights, duties, and liabilities of such administrator, shall, notwithstanding any change in the person who is Treasury Solicitor, be vested in and imposed on the Treasury Solicitor for the time being without any further grant of administration.

Provided that nothing in this section shall affect any limitation, in duration or otherwise, contained in the grant, or any right of any court to revoke such grant.

Where administration is granted to the Treasury Solicitor he shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.

Power for Assistant Solicitor to act on behalf of Treasury Solicitor.

3. An Assistant Solicitor for the affairs of Her Majesty's Treasury may, on behalf of the Treasury Solicitor, take any oath, make any declaration, verify any account, execute any deed, or do any act or thing whatsoever which the Treasury Solicitor is required or authorised under Act of Parliament or otherwise to take, make, verify, execute, or do for the purpose of an administration granted to him or for the purpose of any Act of Parliament, or otherwise in the execution of his duties as the Treasury Solicitor.

Disposal of money and property received under administration or forfeiture and of unclaimed grants.

4. All money, securities, and property, real or personal, received by or vested in the Treasury Solicitor under any administration, or in consequence of the same having accrued to Her Majesty as part of the personal estate of any deceased person, or under any forfeiture, or otherwise by virtue of Her royal prerogative, shall be paid, invested, transferred, sold, and disposed of in such manner as may be directed by rules under this Act, and, so far as such rules do not apply, as the Treasury direct, subject as follows:

(1.) All such money and all money arising from such securities and property, whether as income or as the proceeds of the

sale or disposal thereof, or otherwise, shall be carried to the account directed by the rules (in this Act referred to as the Crown's Nominee Account); and

(2.) All money standing to the said account and not required for the purposes thereof shall be paid into the account of Her Majesty's Exchequer; and

(3.) Where any money, securities, or property to which this section applies has been granted by Her Majesty to any person, and has not been claimed within the period fixed by the rules, the Treasury may direct such unclaimed securities and property to be sold and the proceeds of such sale and the said money to be paid to the Crown's Nominee Account;

Provided, that if any person satisfies the Treasury of his right under the said grant to the whole or any part of such unclaimed money, securities, or property, the Treasury may direct the sum paid to the Crown's Nominee Account in respect of the same or of the part to which such person shows himself to be entitled, to be paid to such person out of the Consolidated Fund, or the growing produce thereof.

The accounts of the receipts and expenditure on the Crown's Nominee Account shall be deemed to be public accounts; and such abstract thereof as may be directed by rules under this Act shall be annually laid before the House of Commons.

Rules by Treasury.

5. The Treasury may from time to time make, and when made revoke, alter, and add to, rules for carrying this Act into effect.

Every such rule shall be laid before Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Application of Act to previous administrations, &c.

6. This Act shall, so far as circumstances admit, apply, in the case of personal estate and property to which Her Majesty or any of Her Majesty's predecessors has become entitled before the passing of this Act, and of warrants given, and grants made, and acts done before the passing of this Act, and the satisfaction of claims under such grants, in like manner as it applies respectively in the case of property to which Her Majesty may become entitled after the passing of this Act, or of grants made or acts done after the passing of this Act, or the satisfaction of claims under such grants.

Definitions.

7. In this Act—

The expression "the Treasury" means the Commissioners of Her Majesty's Treasury:

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The expression "administration" means letters of administration of the personal estate and effects of a deceased person, whether general or limited, or with the will annexed or otherwise, and includes confirmation in Scotland.

Saving for existing Queen's Proctor.

8. Nothing in this Act shall affect the rights, powers, authorities, and duties of the Queen's Proctor holding office at the time of the passing of this Act.

Repeal of Act.

9. The Act mentioned in the First Schedule to this Act is hereby repealed:

Provided that—

(1.) So much of the said Act as is set forth in the Second Schedule to this Act shall be re-enacted in manner therein appearing, and shall be in force as if enacted in the body of this Act; and

(2.) Any administration by or in pursuance of that Act vested in or granted to any person who was Treasury Solicitor shall continue in force as if it had been granted under this Act to the Treasury Solicitor by his official title; and

(3.) Any accounts opened in pursuance of the said Act shall continue until altered by the Treasury in pursuance of this Act, and all money, stocks, and securities standing to the said accounts shall be dealt with accordingly, and any general account opened in pursuance of the said Act shall be deemed, whilst continued, to be the Crown's Nominee Account under this Act; and

(4.) This repeal shall not affect—

(*a.*) anything duly done or suffered under the said Act hereby repealed; or

(*b.*) any right, privilege, or liability acquired, accrued, or incurred under the said Act; or

(*c.*) any legal proceeding or remedy in respect of any such right, privilege, or liability.

Short title.

10. This Act may be cited as the "Treasury Solicitor Act, 1876."

FIRST SCHEDULE.

ACT REPEALED.

Title and Chapter.	Title.
15 & 16 Vict. c. 3. -	An Act to provide for the Administration of Personal Estates of Intestates, and others, to which Her Majesty may be entitled in right of Her Prerogative, or in right of Her Duchy of Lancaster.

SECOND SCHEDULE.

PART OF 15 & 16 VICT. C. 3. S. 2. RE-ENACTED.

Where the administration of the personal estate of any deceased person has been granted to the Solicitor for the affairs of Her Majesty's Duchy of Lancaster, for the use of Her Majesty, that solicitor shall, notwithstanding that he does not give the bond which, if such administration had been granted to him as a private individual, he would be required by law to give, be subject, as regards the administration, to the liabilities and duties imposed by such bond.

Duties of Solicitor of Duchy of Lancaster under administration.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 19.

An Act to amend the Law relating to Salmon Fisheries in England and Wales. [27th June 1876.] A.D. 1876.

WHEREAS it is expedient to amend the laws relating to salmon fisheries in England and Wales:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Salmon Fishery Act, 1876," and this Act and the Salmon Fishery Acts, 1861, 1865, and 1873, may be cited together as "The Salmon Fishery Acts, 1861 to 1876." Short title.

2. This Act, so far as is consistent with the tenor thereof, shall be read as one with the Salmon Fishery Acts, 1861, 1865, and 1873. Construction of Act.

3. This Act shall not come into operation until the first day of September one thousand eight hundred and seventy-six, which date is herein-after referred to as the commencement of this Act. Commencement of Act.

4. Subject to the provisions contained in sections thirty-nine, forty, forty-one, forty-two, forty-three, forty-four, and forty-five of the Salmon Fishery Act, 1873, for the making, confirming, publishing, and proving of byelaws, a board of conservators may, at any time after the commencement of this Act, make a byelaw and alter the same from time to time for the following purpose; (that is to say,) Board of conservators may make byelaws as to time for killing trout.

To alter the period during which it shall be illegal to take or kill trout within any fishery district, or in any portion of a fishery district, so that the period within which trout may not be taken or killed shall not commence earlier than the second day of September nor later than the second day of November in each

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year, and shall not be less than one hundred and twenty-three days;

and the said board may by any such byelaw impose a penalty not exceeding five pounds for each offence against such byelaw, and such penalties shall be recovered and applied in manner provided in and by the Salmon Fishery Act, 1873.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty 1876.

CHAPTER 20.

An Act to facilitate the Revision of the Statute Law by substituting in certain Acts, incorporating Enactments which have been otherwise repealed, a reference to recent Enactments still in force. [27th June 1876.]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Substitution of Summary Jurisdiction Act for repealed Act 7 & 8 Geo. 4. c. 30. in certain sections of the Inclosure Acts 11 & 12 Vict. c. 99. s. 10. 12 & 13 Vict. c. 83. s. 10. 15 & 16 Vict. c. 79. s. 33.

1. There shall be repealed so much of section ten of the Inclosure Act, 1848, and of section ten of the Inclosure Act, 1849, and of section thirty-three of the Inclosure Act, 1852, as incorporates or refers to any provisions of the Act of the seventh and eighth years of the reign of King George the Fourth, chapter thirty, intituled "An Act for consolidating and amending the laws in England re- "lative to malicious injuries to property," and which last-mentioned provisions have since been repealed, and in place thereof be it enacted, that—

Any offence under section ten of the Inclosure Act, 1848, and under section ten of the Inclosure Act, 1849, and under section thirty-three of the Inclosure Act, 1852, shall be deemed to be an offence punishable on summary conviction under the Summary Jurisdiction Act and the Acts amending the same: Provided that any penalty or forfeiture incurred shall be applied in manner provided by the said Inclosure Acts, and that any information in relation to any such offence as is mentioned in this section shall be heard, tried, determined, and adjudged before two justices.

Substitution of certain enactments for the repealed enactments

2. There shall be repealed so much of section two of the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act for giving "effect to the stipulations of a treaty between Her Majesty and

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mentioned in 12 & 13 Vict. c. 25.

"the Queen of Portugal for the apprehension of certain deserters," as provides, by reference to an Act of Parliament since repealed, for the recovery, payment, and application of the penalty therein mentioned for harbouring or secreting a seaman or apprentice having deserted from his ship, and in place thereof be it enacted as follows:

The penalty under section two of the Act of the session of the twelfth and thirteenth years of the reign of Her present Majesty, chapter twenty-five, intituled "An Act for giving effect to the "stipulations of a treaty between Her Majesty and the Queen of "Portugal for the apprehension of certain deserters," shall be recovered, paid, and applied in the same manner as a penalty for harbouring or secreting any seaman deserting from a British ship is for the time being recoverable, payable, and applicable.

Substitution of Larceny Act, 1861, for repealed Act, 20 & 21 Vict. c. 54. in Municipal Corporation Mortgages, &c. Act, 1860, 23 & 24 Vict. c. 16.

3. There shall be repealed so much of section seven of the Municipal Corporation Mortgages, &c. Act, 1860, as provides that a person guilty of a misdemeanor thereunder shall be subject in respect thereof to the provisions of the Act of the session of the twentieth and twenty-first years of the reign of Her present Majesty, chapter fifty-four, applicable to any person guilty of a misdemeanor under that Act (which Act has since been repealed), and in place thereof be it enacted as follows: that any person guilty of a misdemeanor under section seven of the Municipal Corporation Mortgages, &c. Act, 1860, shall be subject in respect thereof to the provisions of the Larceny Act, 1861, applicable to any person guilty of a misdemeanor under section seventy-five of that Act.

Substitution of Larceny Act, 1861 (24 & 25 Vict. c. 96.), for repealed Act 7 & 8 Geo. 4. c. 29. in 18 & 19 Vict. c. 126. s. 23.

4. There shall be repealed so much of the twenty-third section of the Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six, as provides for the definition of "property" by reference to the Act of the session of the seventh and eighth years of the reign of King George the Fourth, chapter twenty-nine, which Act has since been repealed, and in place thereof be it enacted that—

"Property" as used in the said Act of the session of the eighteenth and nineteenth years of the reign of Her present Majesty, chapter one hundred and twenty-six, shall have the same meaning as "property" has in the Larceny Act, 1861.

Substitution of Licensing Act, 1872 (35 & 36 Vict. c. 94.), for the

5. There shall be repealed so much of section ten of the Prevention of Crimes Act, 1871, as provides that "any person "convicted under that section shall have a right to appeal against "such conviction in the same manner in all respects as if the said

" conviction had been for an offence committed against the pro-
" visions of the Act of the ninth George the Fourth, chapter
" sixty-one," which last-mentioned provisions have since been repealed, and in place thereof be it enacted that—

repealed enactments mentioned in s. 10. of Prevention of Crimes Act, 1871 (34 & 35 Vict. c. 112).

Any person convicted under section ten of the Prevention of Crimes Act, 1871, shall have a right to appeal against such conviction in the same manner in all respects as a person may appeal who feels aggrieved by a conviction made by a court of summary jurisdiction under the Licensing Act, 1872, and all the provisions of such last-mentioned Act, and of any Act amending the same, relating to an appeal from a conviction made by a court of summary jurisdiction under such last-mentioned Act, shall apply accordingly.

Effect of repeals.

6. The repeals enacted in this Act shall not affect:

(1.) Anything duly done or suffered; or

(2.) Any penalty, forfeiture, or other punishment incurred or to be incurred in respect of any offence against any enactment hereby repealed; or

(3.) The institution of any investigation or legal proceeding for enforcing or recovering any such penalty, forfeiture, or punishment as aforesaid, and such investigation or legal proceeding may be carried on as if this Act had not passed.

Definition of Acts.

7. The Acts in the schedule to this Act are in the body of this Act referred to by the short titles respectively set opposite such Acts in the third column of that schedule.

Short title to Act.

8. This Act may be cited as "The Statute Law Revision (Substituted Enactments) Act, 1876."

A.D. 1876.

SCHEDULE.

Column 1.	Column 2.	Column 3.
11 & 12 Vict. c. 43.	An Act to facilitate the performance of the duties of justices of the peace out of sessions within England and Wales with respect to summary convictions and orders.	Summary Jurisdiction Act.
11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	Inclosure Act, 1848.
12 & 13 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	Inclosure Act, 1849.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	Inclosure Act, 1852.
24 & 25 Vict. c. 96.	An Act to consolidate and amend the statute law of England and Ireland relating to larceny and other similar offences.	The Larceny Act, 1861.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Jurors Qualification (Ireland).

[39 & 40 VICT. CH. 21.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Clause.

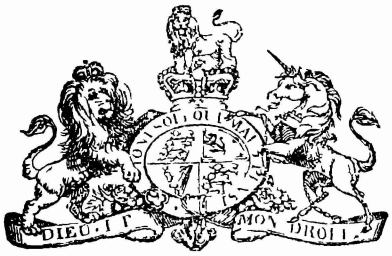
1. Short title.
2. Qualification of jurors.
3. As to jurors property qualification.
4. Clerk of the peace to prepare "lists of special jurors."
5. Form of precept.
6. Duration of Act.

SCHEDULES:

First Schedule.—Net annual value of rating qualification of jurors.

Second Schedule.—Net annual value of rating qualification of special jurors.

Third Schedule.—Precepts for the return of lists of jurors.



CHAPTER 21.

An Act to amend the Laws relating to the Qualification of Jurors in Ireland. [30th June 1876.]

A.D. 1876.

WHEREAS by the Juries (Ireland) Acts, 1871 to 1872, the laws relating to juries in Ireland were amended and consolidated:

And whereas by the Juries (Ireland) Act, 1873, temporary provisions were made altering and raising the qualification of jurors, and the said provisions have by divers Acts from time to time been continued for limited periods:

And whereas it is expedient that other and further provisions should be made to alter and raise the qualification of jurors, and that such provisions should continue in force during the limited period by this Act prescribed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Jurors Qualification (Ireland) Act, 1876," and the Juries (Ireland) Acts, 1871 to 1872, as amended by this and any other Act, and this Act may be cited together as "the Juries (Ireland) Acts."

Qualification of jurors.

2. The provisions in this section contained shall be in force and have effect with respect to the qualification of jurors from and after the eleventh day of January one thousand eight hundred and seventy-seven, and the said provisions shall be in lieu of and in substitution for the provisions of section five of the Juries Act, Ireland, 1871, and the said Act shall be read and construed as if they were therein substituted for the said section five:

Every man being a subject of the Queen, between the ages of twenty-one and sixty-five years, residing in any county or in any borough having a separate court of sessions of the peace, or a court of record for the trial of civil actions,

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(1.) Who shall have in his own name or in trust for him a clear income of ten pounds by the year in lands and tenements of freehold tenure situate in such county or borough, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple, or fee tail, or for any life or lives whatsoever; or

(2.) Who shall have a clear income of twenty pounds by the year in lands or tenements situate in such county or borough, held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or

(3.) Who shall be, either in his own name or as a member of a firm or copartnership, rated for the relief of the poor in respect of lands, tenements, or hereditaments within such county or borough, of the net annual value fixed for such county or borough in the first schedule to this Act; or

(4.) Who shall be a director or manager of any banking, railway, insurance, steamship, shipping, or other company incorporated by any charter, or by or under the provisions of any Act of Parliament, and carrying on any such business within such county or borough; or

(5.) Who shall be a member of any board of harbour commissioners or other body entrusted under the provisions of any Act of Parliament with the management of any harbour or docks within such county or borough;

shall if residing in any such county as aforesaid be qualified and liable (save as exempted or disqualified) to serve on all juries for the trial of all issues, civil and criminal, joined in any of the Queen's courts of law and equity and triable in such county, and shall also be qualified and liable (save as exempted or disqualified) to serve on grand juries at the general sessions of the peace within such county, and on every inquest or inquiry to be taken or made in such county by or before any sheriff or coroner, or by or before any master or commissioner appointed by any of the superior courts of common law or equity, or by or before any commissioner appointed under the great seal or the seal of the Court of Exchequer, and shall if residing in any such borough as aforesaid be qualified and liable (save as exempted or disqualified) to serve on grand juries at sessions of the peace in such borough, and also upon juries for the trial of all issues, civil and criminal, joined in any court of sessions of the peace, and in any court of record for the trial of civil actions, triable in such borough: Provided always, that for the purposes of this Act,

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as regards any county of a city, county of a town, or borough, having a separate court of sessions of the peace or a court of record for the trial of civil actions, any such director, manager, member of such board or body so entrusted as aforesaid, and any other such person as aforesaid, shall be deemed to be resident therein in case he, or the company of which he shall be a director or manager, or the board or body of which he shall be such member as aforesaid, shall have or occupy a counting-house, office, shop, or place of business in such county of a city, county of a town, or borough as aforesaid, although such director, manager, member of such board or body so entrusted as aforesaid, or other such person, may not actually reside therein, provided that he resides within twelve statute miles of the court house of such county of a city, county of a town, or borough as aforesaid, and in the county of the city of Dublin within a like distance of the General Post Office in Dublin, to be computed by the nearest public road or way. And such counting-house, office, shop, or place of business shall in the proper column of "The General List of Jurors," and "List of Special Jurors," containing such directors, managers, members, or person's name, be stated as the place of abode of such person, and a summons for the attendance of a juror left at the place stated in the general jurors' book or special jurors' book as the place of abode of such juror, with any person inhabiting therein, shall be deemed to have been duly served upon such juror.

As to jurors property qualification.

3. In ascertaining the net annual value of the property qualification of a juror in the city of Dublin, mentioned in the first and second schedules to this Act, the annual value of any house or tenement, the owner whereof is under the sixty-third section of the Act 12 and 13 Victoria, chapter 91, rated instead of the occupier thereof, shall not be reckoned or taken into account.

Clerk of the peace to prepare "lists of special jurors."

4. The provisions in this section contained shall from and after the first day of August one thousand eight hundred and seventy-six, be in substitution for the provisions of section eleven of the Juries Act, Ireland, 1871, and the said Act shall be read and construed as if they were therein substituted for the said section eleven.

The clerk of the peace of every county in Ireland, on or before the fifteenth day of August in every year, shall, from each of the general lists of jurors furnished to him under the Juries (Ireland) Acts, cause to be made out for each barony of such county a true and complete list, in the Form O. set forth in the third schedule to this Act annexed, containing the names of every person contained in the list furnished to him as aforesaid for such barony,

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Who shall be, either in his own name or as a member of a firm or copartnership, rated for the relief of the poor in respect of lands, tenements, or hereditaments within such county or borough, of the net annual value fixed for such county or borough in the second schedule to this Act;

And the names contained in each of the said lists to be made out by such clerk of the peace shall be arranged in alphabetical order of surnames and consecutively numbered, and each such list shall contain the like particulars in every respect as the lists furnished to him as aforesaid, and when so made out shall be called the "list of special jurors" for the barony of the county for which the same shall have been made out, and such clerk of the peace shall, at the foot or end of every such "list of special jurors" made out by him, sign a declaration that such "list of special jurors" has been fully and correctly prepared by him from the "general list of jurors" from which such "list of special jurors" shall have been made out by him.

Form of precept.

5. The precepts of the several clerks of the peace for the return of lists of jurors to be issued under the Juries (Ireland) Acts after the passing of this Act shall be according to the forms in the third schedule to this Act annexed, and any person to whom any such precept shall be issued shall and is hereby directed to perform and comply with all the requisitions contained in such precept.

Duration of Act.

6. This Act shall continue in operation until the eleventh day of January one thousand eight hundred and eighty.

SCHEDULES.

A.D. 1876.

FIRST SCHEDULE.

The net annual value of the rating qualification of jurors shall be as follows :

CLASS I.

In the counties of— Antrim. Armagh. Carlow. Clare. Cork. Donegal. Down. Dublin. Fermanagh. Galway. Kerry. Kildare. Kilkenny. King's County. Limerick. Londonderry. Longford. Louth. Meath. Monaghan. Queen's County. Roscommon. Sligo. Tipperary. Tyrone. Waterford. Westmeath. Wexford. Wicklow.	A net annual value of 40*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 10*l.* in respect of a dwelling-house, office, and curtilage appearing on the rate book of any union to be situate within any of the said counties.

CLASS II.

In the counties of— Cavan. Leitrim. Mayo.	A net annual value of 40*l.* or upwards in respect of lands, tenements, or hereditaments within the said county, or a net annual value of 6*l.* or upwards in respect of a dwelling-house, office, and curtilage appearing on the rate book of any union to be situate within any of the said counties.

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Class III.

In the counties of the cities of— Dublin, Cork, Limerick, and Waterford.	A net annual value of 20*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

Class IV.

In the county of— The city of Kilkenny, The town of Carrickfergus, The town of Drogheda, and The town of Galway.	A net annual value of 15*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

Class V.

In any borough (other than those specified above) having a separate court of sessions of the peace or a court of record for the trial of civil actions.	A net annual value of 20*l.* or upwards in respect of lands, tenements, or hereditaments within any such borough.

SECOND SCHEDULE.

The net annual value of the rating qualification of special jurors shall be as follows:

Class I.

In the counties of— Antrim. Dublin.	A net annual value of 150*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 50*l.* or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

Class II.

In the counties of— Cork. Down. Kildare. Limerick. Meath. Tipperary.	A net annual value of 150*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 100*l.* or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

Class III.

In the county of— Westmeath.	A net annual value of 100*l.* or upwards in respect of lands, tenements, or hereditaments in the said county.

CLASS IV.

In the counties of— Armagh. Carlow. Clare. Galway. Kilkenny. King's County. Londonderry. Queen's County. Roscommon. Waterford. Wexford. Wicklow.	A net annual value of 100*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 50*l.* or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

CLASS V.

In the counties of— Cavan. Donegal. Fermanagh. Kerry. Longford. Louth. Mayo. Monaghan. Sligo. Tyrone.	A net annual value of 70*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties, or a net annual value of 50*l.* and upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within any of the said counties.

CLASS VI.

In the county of— Leitrim.	A net annual value of 50*l.* and upwards in respect of lands, tenements, or hereditaments within the said county, or a net annual value of 40*l.* or upwards in respect of lands, tenements, or hereditaments appearing on the rate book of any union to be situate in any city, town, or village within the said county.

CLASS VII.

In the counties of— The city of Cork, The city of Dublin.	A net annual value of 50*l.* and upwards in respect of lands, tenements, or hereditaments within any of the said counties.

CLASS VIII.

In the county of the city of Limerick.	A net annual value of 40*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

CLASS IX.

In the counties of— The city of Waterford, The city of Kilkenny, The town of Carrickfergus, The town of Drogheda, and The town of Galway.	A net annual value of 30*l.* or upwards in respect of lands, tenements, or hereditaments within any of the said counties.

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THIRD SCHEDULE.

FORM

PRECEPT FOR THE RETURN OF LISTS OF JURORS.

County of (1)

To the Clerk of the Poor Law Union of in the said county of (1)

You are hereby required, on or before the first day of August in this present year, to prepare a complete and true list in writing, according to the form sent herewith, for each (*barony,* (2) *division of a barony, or other district*) of the said county (1) within the said union, of the names of all men who are qualified under the Juries (Ireland) Acts, to serve as jurors for the said county of (1) , that is to say, a complete and true list for each (*barony,* (2) *division of a barony, or other district*) of the said county, (3) containing the name of every man who resides within the said county, (3) (*or in case he or the company of which he is a director or manager, or the board or body of which he is a member as hereinafter mentioned, has or uses for the purposes of any trade or business, any counting-house, office, shop, store, or place of business within the said county of the city* (4) *of, although such man may not reside therein, provided that he reside within twelve statute miles therefrom,*) and has in his own name or in trust for him a clear income of 10*l.* by the year in lands and tenements of freehold tenure, situate in such (*barony,* (2) *division of a barony, or other district*) of the said county, (3) or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple, or fee tail, or for any life or lives whatsoever; or has a clear income of twenty pounds by the year in lands or tenements situate in such (*barony,* (2) *division of a barony, or other district*) of the said county, (3) held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or is either in his own name or as a member of a firm or co-partnership rated in the last rate made in the said union, for the relief of the poor in respect of any lands, tenements, or hereditaments situate within such (*barony,* (2) *division of a barony, or other district*) in the said county (3) of the net annual value

(1) [County of the city of ——, county of the town of——, *or* borough of——, *as the case may be.*]

(2) "Ward," *in counties of cities, counties of towns, or boroughs.*

(3) [County of a city, county of a town, *or* borough, *as the case may be.*]

(4) County of the town, *or* borough, *as the case may be.*

(2) "Ward," *in counties of cities, or counties of towns, or boroughs.*

of pounds or upwards, or is a director or manager of any banking, railway, insurance, steamship, shipping, or other company incorporated by any charter, or by or under the provisions of any Act of Parliament, and carrying on any such business within such (*barony,* (2) *division of a barony, or other district*) in the said (county), (3) or is a member of any board of harbour commissioners or other body entrusted under the provisions of any Act of Parliament with the management of any harbour or dock within such (*barony,* (2) *division of a barony, or other district*) in the said (county) (3); and you are required to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surnames in the alphabetical order of their Christian names, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode (*stating*(a) *the counting-house, office, shop, or place of business of any person who is deemed under section two of the Jurors Qualification Act (Ireland),* 1876, *to be resident in respect thereof as the place of abode of such person*), the nature of his qualification, his title, quality, calling, or business, the place and amount of his freehold or leasehold property (*in case he be qualified in respect of such property*), and the place and annual value of his rated property, (*in case he be qualified in respect of rated property*) in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in preparing the said list you are, in case any person returned in the said list shall be under the age of 21 years or over the age of 65 years, or otherwise disqualified or exempted from serving on juries, to state the fact of such person being under the age of 21 years or over the age of 65 years, or the grounds of such disqualification or exemption, opposite his name in the proper columns of the said form; and you are required, on or before the first day of August in the present year, to deliver the said list, with the declarations at the foot or end of the said list in the said form set forth, signed respectively by you and the poor rate collector or collectors by whose assistance you may have prepared the said list, to the clerk of the peace of the said county, (3) and you are hereby required, within twenty-one days after the delivery of the said list to the said clerk of the peace, to cause a

(2) "Ward," *in counties of cities, counties of towns, or boroughs.*

(3) [County of a city, county of a town, *or* borough, *as the case may be.*]

(a) In the case of a county of a city, county of a town, or borough.

* Insert here the amount of the net annual value fixed for the said county, county of a city, county of a town, or borough as the proper qualification of jurors in the First Schedule to this Act.

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sufficient number of copies of the said list to be printed, published, and posted within the barony, (2) division of a barony, or other district, for which the said list shall have been prepared, and you are further required to attend the chairman or revising barrister of the said county, (3) and produce the rate books of the said union at any of the courts to be held for the revision of the said list, of the time and place of holding which you shall be previously informed, and there to answer on oath such questions as shall be put to you by such chairman or revising barrister then present touching the said list, and those several matters you are in nowise to omit upon the peril that may ensue.

Given under my hand at , in the said county of (1) , this day of , in the year .

_____ Clerk of the Peace for the said county of (1) .

(2) "Ward," *in counties of cities, counties of towns, or boroughs.*

(3) [County of a city, county of a town, *or* borough, *as the case may be.*]

(1) [County of the city of, *or* county of the town of, *or* borough of, *as the case may be.*]

GENERAL LIST OF JURORS.

(1) [County of the city of ——, *or* county of the town of——, *or* borough of ——, *as the case may be.*]
(2) [Barony, division of a barony, *or other district, and in counties of cities or counties of towns, or boroughs,* "Ward."]

County of (1) and Poor Law Union of .
"GENERAL LIST OF JURORS" for the (2) in the said county, prepared this day of 18 , by the clerk of the said union.

If under 21 or over 65 years of age state the fact, or, if disqualified or exempted, the grounds of such disqualification or exemption.	Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Place of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	Nature of Qualification.	Title, Quality, Calling, or Business.	Amount of Freehold or Leasehold Property.	Annual Value of Rated Property.	Place of Property.

We, the undersigned collectors of poor rate, hereby declare that, so far as relates to each of our respective districts of collection, we have made due and diligent inquiry for the purpose of assisting the clerk of the union in having the above list properly prepared, and we further declare that wherever any person named in said list is under 21 or over 65 years of age, or disqualified or exempted from serving as a juror, the fact of his being under or over age, or the grounds of such disqualification or exemption are truly stated in the proper column of said list, and that the true or last known place of abode, nature of the qualification, title, quality, calling, or business, place, and amount or annual value of property of each of the persons named in the above list are fully and truly stated therein, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year

_____ *Collector of Poor Rate.*

I, the undersigned clerk of union, do hereby declare that I have made due inquiry, with the assistance of the poor rate collectors, for the purpose of preparing the above "General List of Jurors," and that same has been fully and truly prepared by me from the rate books of the union, and that the several particulars stated in the above list regarding each person named therein are correctly stated to the best of my knowledge and information, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year

_____ *Clerk of the Union*

A.D. 1876.

PRECEPT FOR THE RETURN OF LISTS OF JURORS.

County of the City of Dublin.

To the Collector-General of Rates for the City of Dublin.

You are hereby required on or before the first day of August in this present year to prepare a complete and true list in writing, according to the form sent herewith, for each ward in the said county of the city of Dublin, of the names of all men who are qualified to serve as jurors for the said county of the city of Dublin, that is to say, a complete and true list for each ward in the said county of the city of Dublin, containing the name of every man between the ages of twenty-one and sixty-five years who resides within the said county of the city of Dublin, and who has in his own name or in trust for him a clear income of ten pounds by the year in lands and tenements of freehold tenure situate in the said county of the city, or in rents issuing out of any such lands or tenements, or in such lands, tenements, and rents taken together, in fee simple or fee tail, or for any life or lives whatsoever; or has a clear income of twenty pounds by the year in lands or tenements situate in the said county of the city of Dublin, held by lease originally made for an absolute term of not less than twenty-one years, whether the same shall or shall not be determinable on any life or lives; or in case he or the company of which he is a director or manager, or the board or body of which he is a member as herein-after mentioned, has or occupies any counting-house, office, shop, or place of business within the said county of the city of Dublin, although such man may not reside therein, provided that he resides within twelve statute miles therefrom, who is either in his own name or as a member of a firm or co-partnership rated in the last rate made for the relief of the poor in the said county of the city of Dublin in respect of any lands, tenements, or hereditaments situate in such ward of the county of the city of Dublin of the net annual value of twenty pounds or upwards; or is a director or manager of any banking, railway, insurance, steamship, shipping, or other company incorporated by any charter or by or under the provisions of any Act of Parliament, and carrying on any such business within the said county of the city of Dublin, or who is a member of any board of harbour commissioners or other body entrusted, under the provisions of any Act of Parliament, with the management of any harbour or docks within the said county of the city of Dublin; and you are required to prepare the said list in alphabetical order of surnames, as the same would be arranged in a dictionary, and where persons have the same surname in the alphabetical order of their Christian names, and consecutively numbered, and write the Christian name and surname of every man at full length, with his true or last known place of abode (*stating the counting-house, office, shop, or place of business of any person who is deemed under section two of the Jurors Qualification (Ireland) Act,* 1876, *to be resident in respect thereof as the place of abode of such person*), the nature of his qualification, his title, quality, calling, or business, the place and

amount of his freehold or leasehold property (*in case he be qualified in respect of such property*), and the place and annual value of his rated property (*in case he be qualified in respect of rated property*) in the proper columns of the forms sent herewith, and if you have not a sufficient number of forms you must apply to me for more; and in ascertaining the said net annual value you shall not reckon or take into account the annual value of any house or tenement let to weekly or monthly tenants or in separate apartments, the owner whereof is under the statute 12 and 13 Victoria, chapter 91, section 63, rated instead of the occupier thereof; and in preparing the said list you are, in case any person returned on said list shall be under the age of twenty-one years or over the age of sixty-five years, or disqualified or exempted from serving on juries, to state the fact of such person being under or over age, or the grounds of such disqualification or exemption, opposite his name in the proper column of the said form; and you are required on or before the first day of August in the present year to deliver the said list, with the declarations at the foot or end thereof, signed respectively by you and the collector or collectors by whose assistance you may have prepared the said list, to the clerk of the peace of the said county of the city of Dublin; and you are hereby required, within twenty-one days after the delivery of the said list to the said clerk of the peace, to cause a sufficient number of copies of the said list to be printed, published, and posted within the ward for which the said list shall have been prepared; and you are further required to attend the revising barristers of the city of Dublin, and produce the said rate books at any of the courts to be held for the revision of the said several lists prepared by you, of the time and place of holding which you shall be previously informed, and there to answer on oath such questions as shall be put to you by the revising barrister then present touching any of the said lists; and those several matters you are in nowise to omit upon the peril that may ensue.

Given under my hand at in the said county of the city of Dublin, this day of in the year .

Clerk of the Peace for the said county of the city of Dublin.

A.D. 1876.

GENERAL LIST OF JURORS.

COUNTY OF THE CITY OF DUBLIN.

"GENERAL LIST OF JURORS" for the ward in the said county of the city of Dublin, prepared this day of 18 by the Collector-General of Rates for the city of Dublin.

If under 21 years or over 65 years of age, state the fact, or if exempted or disqualified, the grounds of such exemption or disqualification.	Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Places of Abode.	Ward in which Place of Abode is situate.	Nature of Qualification.	Title, Quality, Calling, or Business.	Amount of Freehold or Leasehold Property.	Annual Value of Rated Property.	Place of Property.

We, the undersigned collectors, hereby declare that, so far as relates to each of our respective districts of collection, we have made due and diligent inquiry for the purpose of assisting the Collector-General of Rates for the city of Dublin in having the above list properly prepared, and we further declare that wherever any person named in said list is under 21 or over 65 years of age, or disqualified or exempted from serving as a juror, the fact of his being under or over age, or the grounds of such disqualification or exemption are truly stated in the proper column of said list, and that the true or last known place of abode, nature of the qualification, title, quality, calling, or business, place, and amount or annual value of property of each of the persons named in the above list are fully and truly stated, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year

_____
_____ } Collectors.
_____

I, the undersigned Collector-General of Rates, do hereby declare that I have made due inquiry, with the assistance of my collectors, for the purpose of preparing the above "General List of Jurors," and that the same has been fully and truly prepared by me from the rate books, and that the several particulars stated in the above list regarding each person named therein are correctly stated to the best of my knowledge and information, and that there is not omitted from the above list the name of any person whose name ought to be contained therein.

Dated this day of in the year

Collector-General of Rates.

FORM O.

County of and Poor Law Union of .

"List of Special Jurors" for the (1) in the said county, prepared this day of 18 , by the Clerk of the Peace for said .

(1) [Barony, division of a barony, *or in a county of a city or county of a town,* "Ward."]

Consecutive Numbers.	Surnames in Alphabetical Order.	Christian Names.	Places of Abode.	Barony, Half-barony, or Ward in which Place of Abode is situate.	Nature of Qualification.	Title, Quality, Calling, or Business.	Place and Annual Value of Rated Property.	
							Place.	Value.

I, the undersigned Clerk of the Peace of the county of , do hereby declare that the above "List of Special Jurors" has been fully and correctly prepared by me from the "General List of Jurors" for the said barony of (2) , in pursuance of the provisions of "The Jurors Qualification Act (Ireland), 1876."

(2) [Division of a barony, *or in a county of a city or county of a town,* "Ward."]

Dated this day of , in the year .

_____ Clerk of the Peace.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Trade Union Act (1871) Amendment.

[39 & 40 Vict. Ch. 22.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Clause.

1. Construction and short title.
2. Trade unions to be within s. 28 of Friendly Societies Act, 1875.
3. Amendment of s. 8 of principal Act.
4. Provision in case of absence, &c. of trustee.
5. Jurisdiction in offences.
6. Registry of unions doing business in more than one country.
7. Life Assurance Companies Acts not to apply to registered unions.
8. Withdrawal or cancelling of certificate.
9. Membership of minors.
10. Nomination.
11. Change of name.
12. Amalgamation.
13. Registration of changes of names and amalgamations.
14. Dissolution.
15. Penalty for failure to give notice.
16. Definition of "trade union" altered.

CHAPTER 22.

An Act to amend the Trade Union Act, 1871. A.D. 1876.

[30th June 1876.]

WHEREAS it is expedient to amend the Trade Union Act, 1871:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction and short title.

1. This Act and the Trade Union Act, 1871, herein-after termed the principal Act, shall be construed as one Act, and may be cited together as the "Trade Union Acts, 1871 and 1876," and this Act may be cited separately as the "Trade Union Act Amendment Act, 1876."

Trade unions to be within s. 28 of Friendly Societies Act, 1875.

2. Notwithstanding anything in section five of the principal Act contained, a trade union, whether registered or unregistered, which insures or pays money on the death of a child under ten years of age shall be deemed to be within the provisions of section twenty-eight of the Friendly Societies Act, 1875.

Amendment of s. 8 of principal Act.

3. Whereas by section eight of the principal Act it is enacted that "the real or personal estate of any branch of a trade union "shall be vested in the trustees of such branch:" The said section shall be read and construed as if immediately after the herein-before recited words there were inserted the words "or of the trustees of "the trade union, if the rules of the trade union so provide."

Provision in case of absence, &c. of trustee.

4 When any person, being or having been a trustee of a trade union or of any branch of a trade union, and whether appointed before or after the legal establishment thereof, in whose name any stock belonging to such union or branch transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others, or solely, is absent from Great Britain or Ireland re-

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spectively, or becomes bankrupt, or files any petition, or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the registrar, on application in writing from the secretary and three members of the union or branch, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the union or branch; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the registrar so direct, then by the Accountant-General or Deputy or Assistant Accountant-General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Jurisdiction in offences.

5. The jurisdiction conferred in the case of certain offences by section twelve of the principal Act upon the court of summary jurisdiction for the place in which the registered office of a trade union is situate may be exercised either by that court or by the court of summary jurisdiction for the place where the offence has been committed.

Registry of unions doing business in more than one country.

6. Trade unions carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office is situate; but copies of the rules of such unions, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him, and until such rules be so recorded the union shall not be entitled to any of the privileges of this Act or the principal Act, in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

In this section "country" means England, Scotland, or Ireland.

Life Assurance Companies Acts not to apply to registered unions.

7. Whereas by the "Life Assurance Companies Act, 1870," it is provided that the said Act shall not apply to societies registered under the Acts relating to Friendly Societies: The said Act (or the amending Acts) shall not apply nor be deemed to have applied to trade unions registered or to be registered under the principal Act.

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Withdrawal or cancelling of certificate.

8. No certificate of registration of a trade union shall be withdrawn or cancelled otherwise than by the chief registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, by the assistant registrar for Scotland or Ireland, and in the following cases:

(1.) At the request of the trade union to be evidenced in such manner as such chief or assistant registrar shall from time to time direct:

(2.) On proof to his satisfaction that a certificate of registration has been obtained by fraud or mistake, or that the registration of the trade union has become void under section six of the Trade Union Act, 1871, or that such trade union has wilfully and after notice from a registrar whom it may concern, violated any of the provisions of the Trade Union Acts, or has ceased to exist.

Not less than two months previous notice in writing, specifying briefly the ground of any proposed withdrawal or cancelling of certificate (unless where the same is shown to have become void as aforesaid, in which case it shall be the duty of the chief or assistant registrar to cancel the same forthwith) shall be given by the chief or assistant registrar to a trade union before the certificate of registration of the same can be withdrawn or cancelled (except at its request).

A trade union whose certificate of registration has been withdrawn or cancelled shall, from the time of such withdrawal or cancelling, absolutely cease to enjoy as such the privileges of a registered trade union, but without prejudice to any liability actually incurred by such trade union, which may be enforced against the same as if such withdrawal or cancelling had not taken place.

Membership of minors.

9. A person under the age of twenty-one, but above the age of sixteen, may be a member of a trade union, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the trade union, enjoy all the rights of a member except as herein provided, and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee of management, trustee, or treasurer of the trade union.

Nomination.

10. A member of a trade union not being under the age of sixteen years may, by writing under his hand, delivered at, or sent to, the registered office of the trade union, nominate any person not being an officer or servant of the trade union (unless such officer or servant is the husband, wife, father, mother, child, brother, sister,

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nephew, or niece of the nominator), to whom any moneys payable on the death of such member not exceeding fifty pounds shall be paid at his decease, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent; and on receiving satisfactory proof of the death of a nominator, the trade union shall pay to the nominee the amount due to the deceased member not exceeding the sum aforesaid.

Change of name.

11. A trade union may, with the approval in writing of the chief registrar of Friendly Societies, or in the case of trade unions registered and doing business exclusively in Scotland or Ireland, of the assistant registrar for Scotland or Ireland respectively, change its name by the consent of not less than two thirds of the total number of members.

No change of name shall affect any right or obligation of the trade union or of any member thereof, and any pending legal proceedings may be continued by or against the trustees of the trade union or any other officer who may sue or be sued on behalf of such trade union notwithstanding its new name.

Amalgamation.

12. Any two or more trade unions may, by the consent of not less than two thirds of the members of each or every such trade union, become amalgamated together as one trade union, with or without any dissolution or division of the funds of such trade unions, or either or any of them; but no amalgamation shall prejudice any right of a creditor of either or any union party thereto.

Registration of changes of names and amalgamations.

13. Notice in writing of every change of name or amalgamation signed, in the case of a change of name, by seven members, and countersigned by the secretary of the trade union changing its name, and accompanied by a statutory declaration by such secretary that the provisions of this Act in respect of changes of name have been complied with, and in the case of an amalgamation signed by seven members, and countersigned by the secretary of each or every union party thereto, and accompanied by a statutory declaration by each or every such secretary that the provisions of this Act in respect of amalgamations have been complied with, shall be sent to the central office established by the Friendly Societies Act, 1875, and registered there, and until such change of name or amalgamation is so registered the same shall not take effect.

Dissolution.

14. The rules of every trade union shall provide for the manner of dissolving the same, and notice of every dissolution of a trade union under the hand of the secretary and seven members of the same, shall be sent within fourteen days thereafter to the central

office herein-before mentioned, or, in the case of trade unions registered and doing business exclusively in Scotland or Ireland, to the assistant registrar for Scotland or Ireland respectively, and shall be registered by them: Provided, that the rules of any trade union registered before the passing of this Act shall not be invalidated by the absence of a provision for dissolution.

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15. A trade union which fails to give any notice or send any document which it is required by this Act to give or send, and every officer or other person bound by the rules thereof to give or send the same, or if there be no such officer, then every member of the committee of management of the union, unless proved to have been ignorant of, or to have attempted to prevent the omission to give or send the same, is liable to a penalty of not less than one pound and not more than five pounds, recoverable at the suit of the chief or any assistant registrar of Friendly Societies, or of any person aggrieved, and to an additional penalty of the like amount for each week during which the omission continues.

Penalty for failure to give notice.

16. So much of section twenty-three of the principal Act as defines the term trade union, except the proviso qualifying such definition, is hereby repealed, and in lieu thereof be it enacted as follows:

Definition of "trade union" altered.

The term "trade union" means any combination, whether temporary or permanent, for regulating the relations between workmen and masters, or between workmen and workmen, or between masters and masters, or for imposing restrictive conditions on the conduct of any trade or business, whether such combination would or would not, if the principal Act had not been passed, have been deemed to have been an unlawful combination by reason of some one or more of its purposes being in restraint of trade.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 23.

An Act to amend the Prevention of Crimes Act, 1871. A.D. 1876.

[13th July 1876.]

WHEREAS by the Prevention of Crimes Act, 1871, all persons convicted of crime in the United Kingdom are required to be registered and photographed, and unnecessary expense is thereby incurred:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Prevention of Crimes Amendment Act, 1876. Short title of Act.

2. In Great Britain the Secretary of State, and in Ireland the Lord Lieutenant, may from time to time by order prescribe the class or classes of prisoners to which the enactments of the Prevention of Crimes Act, 1871, relating to registry and photographing are for the time being to apply; and such enactments shall, so long as any such orders are in force, be deemed to apply to the prescribed class or classes of prisoners only, and not to all persons convicted of crime. Restriction on obligation to register and photograph criminals.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Small Testate Estates (Scotland).

[39 & 40 VICT. CH. 24.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Clause.

1. Short title,
2. Extent of Act.
3. Where estate does not exceed one hundred and fifty pounds, executor may apply to commissary clerk to fill up inventory and expede confirmation.
4. Proof of identity.
5. Commissary clerk must be satisfied that whole estate is under one hundred and fifty pounds.
6. Who may administer oath.
7. Procedure and fees.
8. Inventory duty not affected.

SCHEDULES:

Schedule A.—Form of Inventory and Relative Oath.
Schedule B.—Form of Confirmation.
Schedule C.—Table of Fees.

CHAPTER 24.

An Act for the Relief of the Executors of Testates in Scotland where the Personal Estate is of small Value. A.D. 1876.

[13th July 1876.]

WHEREAS many poor persons die testate in Scotland possessed of personal estate of small amount, and it is desirable to increase the facilities for expeding confirmation to such estate and effects, and to reduce the expense attending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Small Testate Estates (Scotland) Act, 1876." Short title.

2. This Act shall extend to Scotland only. Extent of Act.

3. Where the whole real and personal estate and effects of a testate dying domiciled in Scotland shall not exceed in value the sum of one hundred and fifty pounds, the executor of such testate may apply to the commissary clerk of the county within which such testate was domiciled at the time of death; and the said commissary clerk, on production of the will or other writing of the testate containing the nomination of an executor, shall prepare and fill up an inventory and relative oath, as nearly as may be in the form of Schedule A. appended to this Act, and, upon such inventory being duly sworn to by the executor, shall proceed to record said will or other writing and inventory and expede confirmation in the form as nearly as may be of Schedule B. annexed to this Act, and shall deliver the same to the executor without the payment of any fee therefor save as is provided in Schedule C. annexed to this Act; and such confirmation shall have the same force and effect as that prescribed in Schedule E. annexed to the Act of the twenty-first and twenty-second Victoria, chapter fifty-six; and

Where estate does not exceed 150*l.*, executor may apply to commissary clerk to fill up inventory and expede confirmation.

A.D. 1876.

where such confirmation shall contain English or Irish estate the registrar of any probate court in England or Ireland shall affix the seal of the said court thereto on the confirmation being sent to him by the commissary clerk for that purpose, enclosing a fee of two shillings and sixpence.

Proof of identity.

4. The commissary clerk of the county may require such proof as he may think sufficient to establish the identity of the executor.

Commissary clerk must be satisfied that whole estate is under 150*l.*

5. If the commissary clerk of the county has reason to believe that the whole real and personal estate and effects of which the testate died possessed exceed in value one hundred and fifty pounds, he shall refuse to proceed with the application until he is satisfied as to the true value thereof.

Who may administer oath.

6. Oaths or affirmations under this Act or under the Intestates Widows and Children's (Scotland) Act, 1875, shall, notwithstanding anything to the contrary in the last-mentioned Act, be administered in the manner provided by section 11 of the Confirmation and Probate Act, 1858.

Procedure and fees.

7. Any rules and orders and tables of fees requisite for carrying this Act into operation shall be framed and may from time to time be altered by the Court of Session by Act of Sederunt; but the total amount to be charged to executors shall not in any case exceed the sums mentioned in Schedule C. annexed to this Act.

Inventory duty not affected.

8. Provided always, that nothing herein contained shall be construed to affect any duty now payable on inventories of personal estate.

SCHEDULES.

A.D. 1876.

SCHEDULE A.

FORM OF INVENTORY AND RELATIVE OATH.

INVENTORY of the PERSONAL ESTATE and EFFECTS wheresoever situated of *A.B.* (*design deceased*), who died, testate, on the day of 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

I. SCOTLAND.

1. Cash in the house - - - - - - £
2. Household furniture and other effects in the house - -
3. Stock-in-trade and other effects belonging to deceased -
4. Money in bank - - - - £
   Interest thereon to date of oath to inventory

Amount of personal estate in Scotland £

II. ENGLAND.

1. Principal sum in policy of insurance on life of deceased by the *A.B.* Insurance Co., numbered and dated , 18 £
   Vested bonuses - - - - -

Amount of personal estate in England £

Total amount of personal estate in Scotland and England £

(*Add under Scotland or England any other estate in usual form.*)

At on the day of 18 . In presence of

Appeared *C.D.* (*design deponent*), who being solemnly sworn and examined depones: That the said *A.B.* (*repeat designation*) died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*: That the deponent is the executor of the said *A.B.*, and has entered upon the possession and management of his or her estate as executor nominated by him or her (*along with*) in his or her will (*or other testamentary settlement or writing*) dated

A.D. 1876. the day of , 18 , and now exhibited and signed by the deponent, and as relative hereto: That the deponent does not know of any other will or testamentary settlement or writing relative to the disposal of the deceased's personal estate or effects, or any part thereof: That the foregoing inventory signed by the deponent and the said as relative hereto is a full and complete inventory of the personal estate and effects of the said deceased *A.B.* wheresoever situated and belonging or due to him (*or* her) beneficially at the time of death in so far as the same has come to the knowledge of the deponent: That the value at this date of the whole real and personal estate and effects, including the proceeds accrued thereon down to this date, does not exceed 150*l.* sterling: That confirmation of the said personal estate and effects in Scotland (England and Ireland, *as the case may be*) is required in favour of the deponent (*and the said*). All which is truth, as the deponent shall answer to God.

SCHEDULE B.

FORM OF CONFIRMATION.

Confirmation issued under the Act 39 *&* 40 *Vict. cap.* 24.

CONFIRMATION in favour of *C.D.*, residing at , executor nominate of *A.B.* (*design deceased*), who died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the county of *A.*

The said deceased *A.B.* had pertaining and resting owing to him (*or* her) at the time of his (*or* her) death the following personal estate and effects, viz.:

[*Take in particulars of estate as specified in the inventory.*]

I, *E. F.*, Esq., Commissary of the said county of *A.*, considering that the said *A.B.* died, testate, on the day of , 18 , at , and had at the time of death his (*or* her) ordinary or principal domicile in the said county of *A.*; and farther considering that the said *A.B.* by his (*or* her) will (*or other writing containing the nomination of executor*) dated the day of , 18 , and recorded in my court books upon the day of , 18 , nominated and appointed the said *C.D.* to be his (*or* her) executor; and now seeing that the said *C.D.*, as executor nominate foresaid, has given up on oath an inventory of the whole personal estate and effects of the said *A.B.* at the time of his (*or* her) death, situated in Scotland (*and England and Ireland, as the case may be*), amounting in value to £ , as therein and herein-before set forth, and that the said inventory has likewise been recorded in my court books on the said day of , 18 : Therefore I, in Her Majesty's name and authority, ratify, approve, and confirm the nomination of executor contained in the foresaid will (*or other writing containing the nomination of executor*), and I give

and commit to the said *C.D.* full power to uplift, receive, administer, and dispose of the said personal estate and effects, grant discharges thereof, if needful to pursue therefor, and generally everything concerning the same to do that to the office of an executor nominate is known to belong: Providing always, that he shall render just count and reckoning for his intromissions therewith, when and where the same shall be legally required.

Given under the seal of office of the commissariot of the county of *A.*, and signed by the clerk of court at on the day of , 18 .

Commissary Clerk.

SCHEDULE C.

TABLE OF FEES.

Where the whole personal estate and effects of the testate shall not exceed in value *twenty pounds*, the sum of *five shillings*, and where the whole estate and effects shall exceed in value *twenty pounds*, the sum of *five shillings*, and the further sum of *one shilling* for every *ten pounds* or fraction of *ten pounds* by which the value shall exceed *twenty pounds;* together with the ordinary fees exigible for recording the will or other writing of the testate.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 25.

An Act to amend the Law in Scotland in regard to the division of Burghs into Wards. [13th July 1876.]

A.D. 1876.

WHEREAS by the "General Police and Improvement (Scotland) Act, 1862, Amendment Act," provision is made for the division into wards of a burgh in the sense of that Act, not being a royal or parliamentary burgh, having, by the census last taken, a population of above ten thousand persons: 31 & 32 Vict. c. 102.

And whereas by the Municipal Elections Amendment (Scotland) Act, 1868, provision is made for the division into wards of any royal or parliamentary burgh having, by the census last taken, a population of above ten thousand persons: 31 & 32 Vict. c. 108.

And whereas it is expedient to amend such provisions:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act shall extend to Scotland only. Extent of Act.

2. This Act shall be read and construed together with the recited Acts respectively. Construction of Act.

3. The sixth section of the first-recited Act, and the seventeenth section of the second-recited Act, shall be read and construed as if for the words "ten thousand" therein respectively the words "five thousand" were substituted. Amendment of recited Acts.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Publicans' Certificates (Scotland).

[39 & 40 Vict. Ch. 26.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Clauses.

1. Short title.
2. Extent of Act.
3. Commencement of Act.
4. Interpretation of terms.
5. Refusal of new certificate by justices or magistrates to be final.
6. Grant of new certificates in counties.
7. Provisions in regard to a county licensing committee.
8. Grant of new certificates in burghs.
9. Provisions in regard to a joint committee for a burgh.
10. As to proceedings for confirming new certificate.
11. Provisions for the case of justice or magistrate being disqualified to act as such.
12. Confirmation of new certificates.
13. Deliverances to be entered in book or register.
14. Fees.
15. Certificate holders need not attend licensing meeting unless required to do so.
16. Renewal and transfer of certificates.
17. Table beer licenses not to be granted without certificates.

Schedule.

CHAPTER 26.

An Act to assimilate the Law of Scotland relating to the granting of Licenses to sell intoxicating Liquors to the Law of England. [13th July 1876.] A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Publicans' Certificates (Scotland) Act, 1876." Short title.

2. This Act shall apply to Scotland only. Extent of Act.

3. This Act shall, except so far as is otherwise expressly provided, commence and come into operation on the first day of January one thousand eight hundred and seventy-seven. Commencement of Act.

4. In this Act the following words and terms have the meanings herein-after assigned to them; that is to say, Interpretation of terms.

"County" includes a county of a city, and for the purposes of this Act the upper and middle wards of the county of Lanark shall be considered as constituting a county, and the lower ward of the county of Lanark as also constituting a county:

"Burgh" means any burgh having at present the power of licensing vested in the magistrates thereof; and the boundaries of a burgh shall, for the purposes of this Act, be the same as those within which the magistrates of the burgh have now jurisdiction in granting certificates for licenses for the sale of exciseable liquors:

"Magistrate" means a magistrate of a burgh:

"A new certificate" means a certificate, granted by the competent authority, for a license for the sale of exciseable liquors to any person in respect of any premises which are not certificated at the time of the application for such grant, but shall not apply to the rebuilding of certificated premises which have been destroyed by fire, tempest, or other unforeseen and unavoidable calamity.

A.D. 1876.

Refusal of new certificate by justices or magistrates to be final.

5. Notwithstanding anything contained in section fourteen of the Act of the ninth year of the reign of His Majesty King George the Fourth, chapter fifty-eight, or in any other enactment, no appeal shall lie to any justices of the peace assembled in quarter sessions against any proceeding of any justices of the peace for any county, or magistrates of any burgh, assembled for granting or renewing certificates for licenses for the sale of exciseable liquors, in refusing any application for a new certificate, but every such proceeding and refusal shall be final.

Grant of new certificates in counties.

6. A grant of a new certificate in any county in Scotland, except the county of the city of Edinburgh, shall not be valid unless it shall be confirmed by a standing committee of the justices of the peace for the county (hereafter in this Act called the county licensing committee).

Provisions in regard to a county licensing committee.

7. The following provisions shall have effect with respect to the appointment and proceedings of a county licensing committee; that is to say,

(1.) The justices of the peace in quarter sessions assembled for each county, except the county of the city of Edinburgh, shall at the meeting of quarter sessions directed by law to be held in August of the year one thousand eight hundred and seventy-six, or at any adjournment thereof, and annually in every subsequent year at the meeting of quarter sessions to be held in April, or any adjournment thereof, appoint from among themselves, for the purposes of this Act, a county licensing committee, or they may appoint more than one such committee, and assign to any such committee such area of jurisdiction as they may think expedient:

(2.) A county licensing committee shall consist of not less than three, nor more than twelve members:

(3.) The quorum of a county licensing committee shall be three members:

(4.) Any vacancy arising in any such committee from death, resignation, or other cause, may be from time to time filled up by the justices of the peace in quarter sessions by whom the committee is appointed:

A person appointed to fill a vacancy shall retire from office when the person creating the vacancy would so retire:

Any such committee may, if a quorum exists, act notwithstanding vacancies thereon:

(5.) A county licensing committee shall continue in office until another such committee is appointed as herein-before provided:

The members of a committee retiring may be re-appointed:

(6.) A county licensing committee shall have power to elect one of their own number to act as chairman during their tenure of office, and until a chairman is appointed, and, in case of his absence from any meeting, the committee shall elect one of their members present at the meeting to act as chairman of that meeting; and in the event of an equal division of the committee, the chairman shall have a second vote:

(7.) The clerk of the peace of the county, and in the case of the upper and middle wards of the county of Lanark the clerk of the peace for the upper ward, shall by himself or his deputy be the clerk of the county licensing committee or committees, and also of any joint committee to be appointed, as herein-after provided, in respect of any burgh or part of a burgh being situated in the county, and shall perform all such duties in relation to any such committee or committees as he is required by law to perform in relation to the justices in quarter sessions assembled.

Grant of new certificates in burghs.

8. A grant of a new certificate in any burgh in Scotland shall not be valid unless it shall be confirmed by a joint committee of the magistrates of the burgh and the justices of the peace of the county in which the premises in respect of which the certificate is applied for are situated (hereafter in this Act called the joint committee for the burgh).

Provisions in regard to a joint committee for a burgh.

9. The following provisions shall have effect with respect to the appointment and proceedings of a joint committee for a burgh; that is to say,

(1.) A joint committee for a burgh shall consist of three justices of the peace of the county in which the burgh is situated, and three magistrates of the burgh, except where by the constitution of the burgh there are only two magistrates therein, in which case the joint committee shall consist of two justices of the peace for the county in which the burgh is situated and of the two magistrates of the burgh:

(2.) Where a burgh is situated partly in one county and partly in one or more other counties, there shall be as many joint committees for the burgh as there are counties in which the burgh is partly situated:

The magistrates appointed to be members of any one of such joint committees shall be members of all of them, and subject to this provision the joint committee for the part of the burgh situated in any county shall be so appointed, and shall have the same

A.D. 1876.

duties and powers with respect to such part, as if such part were a separate burgh within such county:

(3.) The justices of the peace on a joint committee shall be appointed by the county licensing committee within whose area of jurisdiction the burgh, or any part thereof for which such joint committee is to be appointed, is situated; and in the case of the city or burgh of Edinburgh, by a general meeting of the justices of the peace for such city, which is hereby directed to be called for the second Tuesday of November in each year, commencing with the year one thousand eight hundred and seventy-six; and the magistrates on a joint committee shall be appointed by the magistrates of the burgh:

(4.) The joint committees for the several burghs shall be appointed in each year on the second Tuesday of November, commencing with the year one thousand eight hundred and seventy-six:

(5.) The members of a joint committee for a burgh shall be deemed to be appointed for the year succeeding their appointment, and shall be eligible for re-appointment, and if from any cause members have not been appointed in any year to succeed the retiring members, such retiring members shall continue to act on the joint committee till their successors are appointed:

(6.) Any vacancy arising in a joint committee for a burgh from death, resignation, or other cause, may be from time to time filled up by the magistrates or county licensing committee or justices of the peace by whom the person creating such vacancy was appointed:

Any such joint committee may, if a quorum exist, act notwithstanding a vacancy thereon:

A person appointed to fill a vacancy shall retire from office when the person creating the vacancy would so retire:

(7.) Where the joint committee of a burgh consists of six members the quorum shall be five members; and where it consists of four members the quorum shall be three members:

(8.) The senior magistrate on a joint committee for a burgh present at any meeting shall be its chairman, and in the event of an equal division of the committee the chairman shall have a second vote. If the provost or lord provost of a burgh is a member of the joint committee of that burgh, he shall be deemed to be the senior magistrate on the said joint committee.

A.D. 1876.

As to proceedings for confirming new certificate.

10. In a county the justices of the peace in quarter sessions assembled, and in a burgh the magistrates, shall make such regulations with respect to the meetings of the county licensing committee and the joint committee for the burgh respectively, with respect to the meetings thereof and the transaction of business thereat, as they may think fit, and the following provisions shall have effect; that is to say,

(1.) The application for confirmation of a certificate shall be in the form as nearly as may be set forth in the schedule annexed to this Act, and shall be lodged (together with the certificate) with the clerk of the peace of the county within ten days after the grant of the certificate:

(2.) The county licensing committee, or the joint committee for the burgh, as the case may be, shall have power to award costs to or against any party to such proceedings, except the procurator fiscal for the public interest, as they shall think just.

Provisions for the case of justice or magistrate being disqualified to act as such.

11. No justice of the peace or magistrate of a burgh shall be qualified to be appointed a member of any county licensing committee or joint committee of a burgh under this Act, unless he is qualified to act as such justice of the peace or magistrate in the execution of the Act of the ninth year of the reign of His Majesty King George the Fourth, chapter fifty-eight, according to the provisions contained in the thirteenth section thereof; and every justice of the peace or magistrate of a burgh who shall be appointed a member of any such committee not being qualified as aforesaid shall, if he shall knowingly or wilfully act as a member of such committee, be liable to forfeit and pay the same penalty, to be recovered and applied in the same manner, and subject to the same conditions, as if he had been guilty of an offence under the said thirteenth section: Provided that no grant of a new certificate confirmed under the provisions of this Act shall be liable to objection on the ground that the magistrates or justices of the peace who granted or confirmed the same or any of them were not qualified to make such grant or confirmation.

Confirmation of new certificates.

12. Any person who appears before the justices of the peace or magistrates, and opposes the grant of a new certificate, and no other person, excepting the procurator fiscal for the public interest, may appear and oppose the confirmation of such grant by the confirming authority in counties or burghs.

A.D. 1876.

Deliverances to be entered in book or register.

13. All deliverances or applications for the confirmation of new certificates shall be entered in the book or register appointed to be kept in terms of the schedule annexed to the Act passed in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter sixty-seven.

Fees.

14. The fees demandable in respect of proceedings under this Act shall be as nearly as may be the same as those payable under the Public Houses Acts Amendment (Scotland) Act, 1862, for the like proceedings under that Act.

Certificate holders need not attend licensing meeting unless required to do so.

15. Where a person holding a certificate applies for the renewal of his certificate, he need not attend in person at the meeting for granting and renewing certificates, unless he is required by the justices of peace of the county or magistrates of the burgh, as the case may be, so to attend.

Renewal and transfer of certificates.

16. Subject to the provisions of this Act, certificates shall be renewed and transferred and the powers and discretion of justices or magistrates and the rights of appeal relative to such renewal and transfer shall be exercised as heretofore.

Table beer licenses not to be granted without certificates.

17. No license in the terms of the Act passed in the twenty-fourth and twenty-fifth years of the reign of Her present Majesty, chapter twenty-one, for the sale in any house, shop, or premises of table beer at a price not exceeding one penny halfpenny the quart, and not to be drunk on the premises, shall be granted by the commissioners or by any officer of inland revenue to any person in Scotland who shall not produce to the said commissioners or officer a certificate in terms of "The Public Houses Acts Amendment (Scotland) Act, 1862," and the Acts therein recited, or of this Act, and such certificate shall be applied for, granted, confirmed, transferred, and renewed in the manner, and subject to all the provisions applicable to other certificates in the like circumstances granted, confirmed, transferred, and renewed in terms of the foresaid Acts, and, mutatis mutandis, may be in the form (so far as the same is applicable) of Schedule A., No. 3., of the "Public Houses Acts Amendment (Scotland) Act, 1862."

SCHEDULE.

No. 1.

Application for Confirmation of new Certificate.

To the County Licensing Committee for the County of

or

To the Joint Committee for the Burgh of and the County of .

I, *A.B.*, hereby apply for confirmation of the grant made to me of the certificate herewith produced by the [justices of the peace of the county of *or* magistrates of the burgh of *as the case may be*] on [*give date*].

(Signed) [*A.B.*]

or

[*C.D., law agent of A.B.*]

No. 2.

Confirmation of new Certificate.

This certificate was confirmed by the licensing committee of the said county of [*or* by the joint committee of the said county of and the said burgh of], at a meeting holden on the day of in the year .

The above confirmation is made out according to the deliverance in the book or register appointed to be kept in terms of the Act of Parliament.

G.H., Clerk.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 27.

An Act to authorise the Reduction of Local Light Dues. A.D 1876.

[13th July 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Local Light Dues Reduction "Act, 1876." Short title.

2. Any local authority not otherwise empowered may and is hereby authorised and empowered from time to time, with the consent of Her Majesty in Council, to reduce all or any dues for the time being receivable by such local authority in respect of lighthouses, buoys, or beacons. Power to reduce local light dues.

The term "local authority" in this Act shall mean any person or body of persons having by law or usage authority over local lighthouses, buoys, or beacons. Definition of "local authority."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1876.

Admiralty Jurisdiction (Ireland).

[39 & 40 Vict. Ch. 28.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Clause.

1. Short title.
2. Construction of Act.
3. Admiralty jurisdiction of Recorders of Cork and Belfast.
4. Power to arrest and hold to bail.
5. Bail in certain cases.
6. Power to change venue.
7. Procedure.
8. Nautical assessors in recorders' courts.
9. Courts for hearing Admiralty causes.
10. In certain cases may sue by Civil Bill.
11. Additional salaries.
12. Power to appoint marshals.
13. Registrar to appoint deputy in case of illness, &c.
14. Appeal.
15. Amendment of thirty-seventh section of principal Act.
16. Additional jurisdiction given to the High Court of Admiralty.

A.D. 1876.

(2.) As to any claim arising out of any agreement made for or in relation to the use or hire of any ship, or for or in relation to the carriage of goods in any ship, and also as to any claim in tort in respect of goods carried in any ship, provided the amount claimed does not exceed four hundred pounds:

(3.) In all cases where jurisdiction is given by the principal Act to the local court, and where the amount claimed does not exceed four hundred pounds:

(4.) Any cause in respect of any such claims as aforesaid, in which the value of the property saved or the amount claimed is beyond the amount limited as above mentioned, when the parties agree by a memorandum, signed by them or by their attorneys or agents, that the court shall have jurisdiction, and hear and determine the same.

Power to arrest and hold to bail.

4. Each of the said courts shall have jurisdiction to arrest and hold to bail, notwithstanding that the amount sued for in the cause shall exceed the limit fixed by the principal Act or by this Act; but in such cases the cause shall in other respects be subject to the provisions of the seventy-seventh section of the principal Act, and the registrars, or officers acting as registrars, in the said courts shall have the same powers within their jurisdiction as are conferred on registrars by section forty-six of the principal Act.

Bail in certain cases.

5. If a ship or goods shall be arrested, by a warrant from the High Court of Admiralty in Ireland, within a district subject to the jurisdiction of the court of either of the said recorders, (except in the case of final execution,) bail may be given in the court of the recorder in whose district the same shall have been arrested in like manner as is provided for by the preceding section; and such recorder shall have in respect of the proceedings for that purpose the same authority and power as the Judge of the High Court of Admiralty, subject, however, upon appeal, to the control and direction of the said Judge, and the provisions of section forty-seven of the principal Act shall apply in all cases of arrest under this Act.

Power to change venue.

6. The High Court of Admiralty, on motion by any party to an Admiralty cause pending in such High Court, may, if it thinks fit, transfer the cause to either of the said recorders' courts, on such terms (if any) as to security for costs or otherwise as said High Court may direct.

Procedure.

7. The mode of procedure in the courts of the said recorders in Admiralty causes, and the scale of costs and charges to be payable in

respect of Admiralty business in such courts, shall be regulated and fixed by rules and orders to be made by the Lord Chancellor, with the concurrence of the said recorders or one of them. A.D. 1876.

The Lord Chancellor, with the concurrence of the Commissioners of Her Majesty's Treasury, may also fix and determine what court and office fees shall be payable in respect of such business, and such fees shall be received and accounted for in the manner provided in the one hundred and fourteenth and one hundred and fifteenth sections of the principal Act.

Nautical assessors in recorders' courts.

8. On the hearing of any Admiralty cause by any one of the said recorders, such recorder shall have power to call to his assistance one or more nautical assessor or assessors, to be selected by him; and the advice and opinion of such nautical assessor or assessors may be taken by the said recorder in the same manner as is in use in the High Court of Admiralty (Ireland); and such recorder shall have power to direct what remuneration shall be paid to each such assessor for his attendance, and to order the same to be paid by such of the parties to the cause as he shall think just.

Courts for hearing Admiralty causes.

9. The said recorders respectively shall hear and determine Admiralty causes at the usual courts held within their jurisdiction, or at special courts to be held by them, and which they are hereby required to hold as soon as conveniently may be, after they shall respectively have had notice of issue being joined in an Admiralty cause arising within the jurisdiction of their respective courts.

In certain cases may sue by Civil Bill.

10. When the amount or value in dispute shall not exceed fifty pounds, the same may be sued for by Civil Bill process, and the proceedings conducted in the same manner and subject to the same rules as are applicable to other actions by Civil Bill.

Additional salaries.

11. It shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, with the consent of the Lord Lieutenant or other chief governor or governors of Ireland, to award to each of the said recorders or either of them, as remuneration for any additional duty imposed upon them by this Act or by the principal Act, such annual or other sums as they shall deem reasonable, and such sums shall be paid out of moneys which shall be provided by Parliament for the purpose.

Power to appoint marshals.

12. It shall be lawful for each of the said recorders, with the approval of the Lord Chancellor, to appoint some officer of his court or other fit person to act as marshal within the district over which such recorder has jurisdiction; and such person shall, while acting as such marshal, have, exercise, and be subject to the like

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jurisdiction, powers, authorities, and liabilities within such district as the marshal of the High Court of Admiralty in Ireland; and such person while acting as such marshal as aforesaid shall be entitled to claim and receive such fees in respect of Admiralty business as from time to time the Lord Chancellor, with the approval of the Commissioners of Her Majesty's Treasury, shall order and direct.

The registrar and other officers of the courts of said recorders may also receive, for their own use, such fees in respect of Admiralty business as the Lord Chancellor with such concurrence as aforesaid may direct.

Every officer receiving fees shall keep an account of the fees received by him, and shall be bound, when required, to furnish to the Commissioners of Her Majesty's Treasury an account of his receipts: Provided that it shall be lawful for said Commissioners at any time to order that such officers shall be paid by salaries instead of fees, and to fix the salaries, and thereupon the fees paid to such officers shall be paid into the Exchequer at such times and under such regulations as the said Commissioners shall direct, and the salaries of such officers shall be paid out of moneys to be provided by Parliament.

In causes transmitted from the court of either of the said recorders to the High Court of Admiralty, the person for the time being appointed by such recorder to act as marshal in the district subject to his jurisdiction shall be subject to, and bound to obey, the judge of the High Court of Admiralty.

The marshal of the High Court of Admiralty shall act only in proceedings in the High Court.

Registrar to appoint deputy in case of illness, &c.

13. In case of the illness or unavoidable absence of any person who at the time of the passing of this Act shall hold the office of registrar of either of the said courts, it shall be lawful for such registrar from time to time to appoint a good and sufficient deputy, subject to the approval of the Lord Chancellor, to act during the illness or unavoidable absence of such registrar in his place and for the discharge of the duties by this Act imposed upon such registrar, but not further or otherwise.

The registrar appointing any deputy under this section shall pay the remuneration of such deputy, and shall continue liable notwithstanding such appointment for the due discharge of the duties by this Act imposed upon such registrar.

Appeal.

14. An appeal shall lie from decrees and orders made in Admiralty causes within the provisions of this Act to the same

tribunal, and in the same manner, and subject to the same rules as are provided in the principal Act in reference to cases within the jurisdiction of local courts, and the several provisions of the principal Act in relation to local courts (except when the same shall be inconsistent with the provisions of this Act) shall apply to causes and proceedings under this Act.

Amendment of thirty-seventh section of principal Act.

15. The jurisdiction conferred by the thirty-seventh section of the principal Act upon the High Court of Admiralty shall be and is hereby extended to goods shipped upon or carried or about to be shipped upon or carried by any ship from any port in Ireland.

This jurisdiction as extended may and shall be exercised by the recorders of the boroughs of Cork and Belfast respectively, where the amount claimed does not exceed four hundred pounds.

Additional jurisdiction given to the High Court of Admiralty.

16. After the passing of this Act the High Court of Admiralty shall have jurisdiction to decide all claims arising out of any agreement made for or in relation to the use or hire of any ship, or for or in relation to the carriage of goods in any ship, and also all claims in tort in respect of goods carried in any ship.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 29.

An Act for the Preservation of Wild Fowl. [24th July 1876.] A.D. 1876.

WHEREAS the wild fowl of the United Kingdom, forming a staple article of food and commerce, have of late years greatly decreased in number by reason of their being inconsiderately slaughtered during the time that they have eggs and young; and whereas owing to their marketable value the protection accorded to them by the Act of the thirty-fifth and thirty-sixth years of the reign of Her present Majesty, chapter seventy-eight, intituled "An Act for the protection of certain wild birds during "the breeding season," is insufficient; it is expedient therefore to provide for their further protection during the breeding season:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Definition of terms.

1. The words "wild fowl" shall for all the purposes of this Act be deemed to include the different species of avocet, curlew, dotterel, dunbird, dunlin, gotwit, greenshank, lapwing, mallard, oxbird, peewit, phalarope, plover, plover's-page, pochard, purre, redshank, reeve or ruff, sanderling, sandpiper, sealark, shoveller, snipe, spoonbill, stint, stone-curlew, stonehatch, summer-snipe, teal, thick-knee, whaup, whimbrel, widgeon, wild duck, wild goose, and woodcock; the word "sheriff" shall include steward and also sheriff substitute and steward substitute.

Season during which wild fowl shall not be killed.

2. Any person who shall kill, wound, or attempt to kill or wound, or take any wild fowl, or use any boat, gun, net, or other engine or instrument for the purpose of killing, wounding, or taking any wild fowl, or shall have in his control or possession any wild fowl recently killed, wounded, or taken between the fifteenth day of February and the tenth day of July in any year, shall, on

A.D. 1876.

Penalty.

conviction of any such offence before any justice or justices of the peace in England or Ireland, or before the sheriff or any justice or justices of the peace in Scotland, forfeit and pay for every such wild fowl so killed, wounded, or taken, or so in his possession, such sum of money not exceeding one pound as to the said justices or sheriff shall seem meet, together with the costs of the conviction.

Home Office &c. on application of justices may vary such period.

3. The Home Office as to Great Britain, and the Lord Lieutenant as to Ireland, may, upon application of the justices in quarter sessions assembled of any county, extend or vary the time during which the killing, wounding, and taking of wild fowl is prohibited by this Act; the extension or variation of such time by the Home Office shall be made by order under the hand of one of Her Majesty's Principal Secretaries of State, after the making of which order the penalties imposed by this Act shall in such county apply only to offences committed during the time specified in such order; and the extension of such time by the Lord Lieutenant shall be made by order to be published in the Dublin Gazette, and a copy of the London Gazette or Dublin Gazette containing such order shall be evidence of the same having been made.

Persons offending against this Act may be required to tell their names and abodes.

Penalty for refusing.

4. Where any person shall be found offending against this Act, it shall be lawful for any person to require the person so offending to give his Christian name, surname, and place of abode; and in case the person offending shall, after being so required, refuse to give his real name or place of abode, or give an untrue name or place of abode, he shall be liable, on being convicted of any such offence before a justice of the peace or the sheriff, to forfeit and pay, in addition to the penalties imposed by section two, such sum of money not exceeding two pounds as to the convicting justice or sheriff shall seem meet, together with the costs of the conviction.

Application of penalty.

5. One moiety of every penalty or forfeiture under this Act shall go and be paid to the person who shall inform and prosecute for the same, and the other moiety shall, in England, be paid to some one of the overseers of the poor, or to some other officer (as the convicting justice or justices may direct) of the parish, township, or place in which the offence shall have been committed, to be by such overseer or officer paid over to the use of the general rate of the county, riding, or division in which such parish, township, or place shall be situate, whether the same shall or shall not contribute to such general rate; and in Scotland, to the inspector of the poor of the parish in which the offence shall have been committed, to be by

such inspector paid over to the use of the funds for the relief of the poor in such parish; and if recovered in Ireland, such penalty shall be applied according to the provisions of the Fines Act (Ireland), 1851, or any Act amending the same.

As to trial of offences committed within the Admiralty jurisdiction.

6. All offences mentioned in this Act, which shall be committed within the jurisdiction of the Admiralty, shall be deemed to be offences of the same nature and liable to the same punishments as if they had been committed upon any land in the United Kingdom, and may be dealt with, inquired of, tried, and determined in any county or place in the United Kingdom in which the offender shall be apprehended or be in custody, in the same manner in all respects as if they had been actually committed in that county or place; and in any information or conviction for any such offence the offence may be averred to have been committed "on the high seas;" and in Scotland any offence committed against this Act on the sea coast, or at sea beyond the ordinary jurisdiction of any sheriff or justice of the peace, shall be held to have been committed in any county abutting on such sea coast, or adjoining such sea, and may be tried and punished accordingly.

As to offences committed on boundary waters.

7. Where any offence under this Act is committed in or upon any waters forming the boundary between any two counties, districts of quarter sessions or petty sessions, such offence may be prosecuted before any justice or justices of the peace or sheriff in either of such counties or districts.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1877.

CHAPTER 30.

An Act to amend the Settled Estates Act of 1856. A.D. 1876.

[24th July 1876.]

WHEREAS by section fourteen of the Settled Estates Act of 1856 (nineteenth and twentieth Victoria, chapter One hundred and twenty), herein called the Principal Act, it is enacted that it shall be lawful for the Court, if it shall deem it proper and consistent with a due regard for the interests of all parties entitled under the settlement, and subject to the provisions and restrictions in the Principal Act contained, from time to time to direct that any part of any settled estates be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not: And whereas difficulty in the exercise of the said power has arisen for want of sufficient power to direct the said streets and other works to be made and executed, and to provide for the expenses incurred in relation thereto, and it is expedient to amend the Principal Act accordingly:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Making and executing, and expenses of laying out and making and executing streets, roads, and other works.

1. Where under section fourteen of the Principal Act any part of any settled estates is directed to be laid out for streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, either to be dedicated to the public or not, the Court may direct that any such streets, roads, paths, squares, gardens, or other open spaces, sewers, drains, or watercourses, including all necessary or proper fences, pavings, connexions, and other works incidental thereto respectively, be made and executed, and that all or any part of the expenses in relation to such laying out and making and execution be raised and paid by means of a sale or mortgage of, or charge upon all or any part of the settled estates, or out of any moneys or investments representing moneys liable to be laid out

A.D. 1876.

in the purchase of hereditaments to be settled in the same manner as the settled estates.

Short title, and construction.

2. This Act may be cited as the Settled Estates Act, 1876, and shall be construed as one with the Principal Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 31.

An Act to grant Money for the purpose of Loans by the Public Works Loan Commissioners, and to amend the Public Works Loans Act, 1875. [24th July 1876.]

A.D. 1876.

WHEREAS by the Public Works Loans Act, 1875, the Public Works Loan Commissioners are authorised to make loans for the purposes therein mentioned, and it is expedient to grant the money herein-after mentioned for the purposes of such loans:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Public Works Loans (Money) Act, 1876. Short title.

2. This Act shall come into operation on the first day of July one thousand eight hundred and seventy-six. Commencement of Act.

Issue of Money for Loans.

3. For the purpose of loans by the Public Works Loan Commissioners any sum or sums not exceeding in the whole four million pounds may be issued out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, in manner provided by the Public Works Loans Act, 1875, during the period ending on the thirtieth day of June one thousand eight hundred and seventy-seven, or on any earlier day at which a further Act authorises the issue. Grant of 4,000,000*l.* for loans during the period ending the 30th of June 1877.

The Treasury may, in the manner and subject to the limitations provided by the Public Works Loans Act, 1875, borrow the said sum or any part thereof.

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doubts have arisen whether such provisions extend to any Act relating to a person having power to borrow money from the Public Works Loan Commissioners, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Sections eighteen and fifty of the Public Works Loans Act, 1875, shall be construed as if "special Act" in those sections included any Act relating to any person having power to borrow money from the Public Works Loan Commissioners.

Issue of 17,551*l.*9*s.*1*d.* for the purpose of adjustment of accounts prior to the 1st day of April 1876.

8. Whereas on the first day of April one thousand eight hundred and seventy-six (on which day the Public Works Loans Act, 1875, came into operation) divers Acts relating to the Public Works Loan Commissioners ceased to be in force, and large sums previously issuable in pursuance of the said Acts for the purpose of loans by the Public Works Loan Commissioners ceased to be issuable, and for the purpose of the adjustment of the accounts of the moneys issued and loans advanced in pursuance of the said Acts, it is expedient to authorise the issue of the sum herein-after mentioned: Be it therefore enacted as follows:

With a view to the adjustment of accounts of money issued for loans by the Public Works Loan Commissioners prior to the first day of April one thousand eight hundred and seventy-six, the Treasury may, out of the moneys authorised by this Act to be issued for the purpose of loans by the Public Works Loan Commissioners, issue the sum of seventeen thousand five hundred and fifty-one pounds nine shillings and one penny, to make good money applied prior to the first day of April one thousand eight hundred and seventy-six, for the purpose of loans by the Public Works Loan Commissioners.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 32.

An Act to amend the Friendly Societies Act, 1875. A.D. 1876.

[24th July 1876.]

WHEREAS it is expedient to amend on some points the Friendly Societies Act, 1875:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Construction of Act. Short title.

1. This Act shall be construed as one with the Friendly Societies Act, 1875, (herein termed "the principal Act,") and may be cited as "The Friendly Societies Amendment Act, 1876," or together with the principal Act as "The Friendly Societies Acts."

Meaning of "Treasury regulations."

2. In this Act the term "Treasury regulations" means any regulations made and approved by the Treasury and for the time being in force under and by virtue of the principal Act.

Conversion of registered societies into branches.

3. With respect to the conversion of registered societies into branches the following provisions shall have effect:

(1.) A society registered before the first day of January one thousand eight hundred and seventy-six may, by a resolution passed by three fourths of the members or delegates present and entitled to vote at any general meeting, of which notice specifying the intention to propose such resolution has been duly given according to the rules, determine to become a branch under the Friendly Societies Acts of any other registered society, and also, if thought fit, of any registered branch thereof; and if the rules of such society do not comply with all the provisions of the principal Act and of the Treasury regulations in respect of the registry of branches, the meeting at which such resolution is passed may amend such rules so as to bring the same in compliance with the principal Act and with the Treasury regulations.

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(2.) A copy of the rules of such first-mentioned society marked to show the amendments, if any, made at such meeting, and two copies of such resolution as aforesaid, and of such amendment of rules, if any, each signed by the chairman of the meeting and by the secretary of the society so determining to become a branch of any other society, and countersigned by the secretary of such other society, shall be sent to the registrar, and if the registrar finds that such rules, with or without such amendment as aforesaid, comply with the provisions of the Act and of the Treasury regulations, he shall cancel the registry of such first-mentioned society and register the same as a branch of such other society, and also, if so specified in the resolution before mentioned, of any branch of such other society, without further request or notice, and shall register such amendment of rules without further application or evidence, and until such registry such resolution as aforesaid shall not take effect.

(3.) No advertisement of any cancelling of registry under this section shall be requisite.

(4.) The rules of a society which becomes a branch under this section shall, so far as the same are not contrary to any express provision of the principal Act or of the Treasury regulations, and subject to any amendment thereof as herein-before provided, continue in force as the rules of such branch until amended.

Registered societies may contribute to funds of other societies.

4. Nothing in the principal Act or in this Act contained shall prevent any registered society or branch from contributing to the funds or taking part by delegates or otherwise in the government of any other registered society or registered branch of a society, as may be provided in the rules of such first-named society or branch, without becoming a branch under the Friendly Societies Acts of such other society or branch.

Forms of acknowledgment of registry for branches.

5. The acknowledgment of registry of a branch, and of any amendment of the rules of a branch, shall be in the forms provided in the schedule to this Act.

Term "society" when to include registered branch.

6. It is declared that the word "society" extends to a registered branch in sub-sections (5) and (6) of section 13, sub-sections (2), (3), and (4) of section 14, sub-sections (1) to (7), both included, (9) and (10) of section 15, sub-sections (1), (6), (7), (9), and (10)

of section 16, sections 17, 19, and 20, sub-sections (2) and (4) of section 21, sections 22, 26, 28, 30, 31, 32, and 33 of the principal Act.

As to deaths at sea.

7. Section 14, sub-section (2) of the principal Act shall not apply to deaths at sea.

Amendment in fees payable on certificates of births or deaths.

8. Whenever application is made at one time to any registrar or other person having the care of any register of births or deaths for more certificates than one of the same birth or death for the purposes of and in the manner prescribed by section fifteen, sub-section nine, or section twenty-eight, sub-section three of the principal Act, the sum charged for every such certificate other than the first shall not exceed sixpence; and whenever the registrar or other person having the care of the register is required by the person applying for any certificate of birth or death to fill up the form of application, he may demand a sum not exceeding threepence for so doing.

What shall be sufficient distribution of annual return.

9. It shall be a sufficient compliance with section 14, sub-section (1), sub-head (*h*) of the principal Act, if the society supplies gratuitously every member or person interested with a balance sheet or other document duly audited, containing the same particulars as to the receipts and expenditure, funds and effects of the society as are contained in the annual return.

Amendment of sub-sections (3) and (6) of s. 15 of principal Act.

10. Section 15, sub-section (3) of the principal Act shall be read as if after the words "not being an officer or servant of the society" there were inserted the words "unless such officer or servant is the "husband, wife, father, mother, child, brother, sister, nephew, or "niece of the nominator," and sub-section (6) of the said section shall be read as if instead of the words "absent from England or "Ireland respectively," there were substituted the words "absent "from Great Britain or Ireland respectively"

Notice of proceedings or order to set aside dissolution.

11. Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society or branch, not less than seven days before it is commenced, by the person taking such proceeding, and of any order setting a dissolution aside, by the society or branch, within seven days after such order is made.

Correction of misprint in Schedule II.

12. In Schedule II. to the principal Act the provision marked 5 and beginning with the words "the right of one fifth" shall be read as if, instead of the words "five thousand," there were inserted therein the words "ten thousand."

A.D. 1876.

SCHEDULE.

ACKNOWLEDGMENT OF REGISTRY OF BRANCH.

The is registered as a branch of the Society [and of the branch of the same] under the Friendly Societies Act, 1875, this day of

[*Seal of central office or signature of assistant registrar for Scotland or Ireland.*]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF BRANCH RULES.

The foregoing amendment of the branch rules of the is registered under the Friendly Societies Act, 1875, this day of

[*Seal of central office or signature of assistant registrar for Scotland or Ireland.*]

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 33.

An Act for the Amendment of the Trade Marks Registration Act, 1875. [24th July 1876.]

A.D. 1876.

WHEREAS by the Trade Marks Registration Act, 1875, in this Act referred to as the principal Act, it is provided that from and after the first day of July one thousand eight hundred and seventy-six, a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by the principal Act until and unless such trade mark is registered in pursuance of that Act:

38 & 39 Vict. c. 91.

And whereas by reason of the number of trade marks, and especially by reason of the difficulties attending the registration of trade marks in relation to textile fabrics, it has been found impossible to complete the registration of existing trade marks within the time specified by the said section; and it is therefore expedient to prolong the time for the completion of such registration as aforesaid, and otherwise to amend the principal Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Amendment of s. 1 of the principal Act.

1. There shall be repealed so much of section one of the principal Act as provides that from and after the first day of July one thousand eight hundred and seventy-six a person shall not be entitled to institute any proceeding to prevent the infringement of any trade mark as defined by that Act until and unless such trade mark is registered in pursuance of that Act, and in place thereof be it enacted that—

From and after the first day of July one thousand eight hundred and seventy-seven, a person shall not be entitled to institute any proceeding to prevent or to recover damages for the infringement of any trade mark as defined by the principal Act until

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and unless such trade mark is registered in pursuance of that Act, or until and unless, with respect to any device, mark, name, combination of words, or other matter or thing in use as a trade mark before the passing of the principal Act, registration thereof as a trade mark under the principal Act shall have been refused as herein-after is mentioned.

Saving of marks and devices not capable of being registered under Act.

2. When an application by any person to register as a trade mark a device, mark, name, word, combination of words, or other matter or thing proposed for registration as a trade mark, which has been in use as a trade mark before the passing of the recited Act, has been refused, it shall be the duty of the registrar, on request, and on payment of the prescribed fee, to give to the applicant a certificate of such refusal, and a certificate so granted shall be conclusive evidence of such refusal.

Short title.

3. This Act may be cited for all purposes as the Trade Marks Registration Amendment Act, 1876.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 34.

An Act to amend the Law relating to Elver Fishing.

[24th July 1876.] A.D. 1876.

WHEREAS by the fifteenth section of "The Salmon Fishery Act, 1873," it was enacted that "no person between the first "day of January and the twenty-fourth day of June, inclusive, "shall hang, fix, or use in any salmon river any baskets, nets, "traps, or devices for catching eels or the fry of eels:"

And whereas it is expedient to amend the law relating to elver fishing:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Repeal of part of 15th section of 36 & 37 Vict. c. 71.

1. From and after the passing of this Act, so much of the fifteenth section of "The Salmon Fishery Act, 1873," as prohibits the taking of elvers or the fry of eels shall be and the same is hereby repealed.

Close period for elvers in the River Severn Fishery District.

2. With respect to the River Severn Fishery District the period between the first day of January and the last day of February, inclusive, and the period between the twenty-sixth day of April and the twenty-fourth day of June, inclusive, shall each be a close period for elvers or the fry of eels, and the following provisions shall apply:

(*a.*) Any person who, during either of the said close periods, shall take or use any instrument for taking in the River Severn Fishery District elvers or the fry of eels shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings.

(*b.*) Any person who, during either of the said close periods, shall sell or have in his possession for sale elvers or the fry of eels within the hundreds of Kiftsgate, Deerhurst,

A.D. 1876.

Dudstone and Kings Barton, Berkeley, Duchy of Lancaster, Westbury, Westminster, and Tewkesbury, in the county of Gloucester, shall, on summary conviction before two justices, be liable to a penalty not exceeding twenty shillings, unless he satisfies the court before whom he is charged that such elvers or the fry of eels were not taken within the Severn Fishery District.

For the purposes of this Act the River Severn Fishery District shall mean and include the River Severn Fishery District as defined by the certificate of one of Her Majesty's Principal Secretaries of State, dated 18th January 1866.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Customs Duties Consolidation.

[39 & 40 VICT. CH. 35.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Instead of all other duties and drawbacks of Customs, those in table annexed to be paid and allowed. A.D. 1876.
2. A distinctive mark to be placed on plate imported from foreign parts when assayed.
3. Foreign and British unsweetened spirits and rum may be methylated in Customs warehouse.
4. Wood naphtha, &c. to be inspected by officer before mixing, &c.
5. Methylated spirit may be exported.
6. Provisions of 18 & 19 Vict. c. 38. and 24 & 25 Vict. c. 91. applied to spirits mixed under this Act.
7. Commencement and title of Act.

SCHEDULE:

Table of Duties of Customs.

CHAPTER 35.

An Act for consolidating the Duties of Customs. A.D. 1876.

[24th July 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Instead of all other duties and drawbacks of Customs, those in table annexed to be paid and allowed.

1. In lieu and instead of all other duties of Customs and drawbacks there shall, on and after the passing of this Act, be raised, levied, collected, and paid unto Her Majesty, her heirs and successors, upon goods imported into and exported from any part of Great Britain or Ireland, the several duties of Customs, and there shall be allowed the several drawbacks, as the same are respectively inserted, described, and set forth in the Table of Duties of Customs to this Act annexed, and in the Act next herein-after referred to; and notwithstanding that the several duties of Customs imposed upon tobacco by an Act of the twenty-sixth year of Her Majesty's reign, chapter seven, are included and repeated in the said table, all the enactments and provisions contained in the said recited Act, and now in force, shall remain in as full force as if the said duties had not been so included and repeated in the said table; and all other provisions contained in the Customs Acts, and in force at the time of the passing of this Act, shall, so far as the same are applicable, have full force and effect with respect to the said duties and drawbacks granted and allowed by this Act.

A distinctive mark to be placed on plate imported from foreign parts when assayed.

2. All gold and silver plate which shall be imported from foreign parts, and which shall be sent to any assay office in the United Kingdom at which gold and silver plate is now or shall at any time hereafter be by law required to be assayed, and which when so sent shall be then assayed, tested, stamped, and marked, shall, in addition to the marks for the time being used at such assay office for the purpose of marking British plate, be marked with the further mark

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of the letter F on an oval escutcheon, in order to denote that such gold or silver plate was imported from foreign parts, and was not wrought or made in England, Scotland, or Ireland; and the warders and officers in such and every such assay office, and the persons employed by them, shall have power to impress and mark, and shall impress and mark, such further and additional mark before such plate shall be delivered out from such assay office.

Foreign and British unsweetened spirits and rum may be methylated in Customs warehouse.

3. The Commissioners of Customs or Inland Revenue may permit and authorise any licensed rectifier of spirits, or any person who shall be duly licensed under an Act passed in the eighteenth and nineteenth years of Her Majesty's reign, chapter thirty-eight, to mix in the Customs or Excise warehouse, and under such conditions and regulations as the said Commissioners respectively shall direct, foreign or British unsweetened spirits of not less degree of strength than fifty per cent. over proof, or rum of not less than twenty per cent. over proof, and in a quantity not less at one time than four hundred and fifty gallons of such British spirits, nor of foreign spirits and rum less than the contents of the whole cask in which the same shall have been imported, with not less in either case than one ninth of its bulk measure of wood naphtha or methylic alcohol, or with such other article or substance as in the said recited Act is mentioned; and thereupon such mixture shall be allowed for use for such purposes and in such manner as is allowed by the said recited Act, or any Act amending the same, with regard to methylated spirit; provided that no such foreign spirit or rum shall be so mixed as aforesaid until payment shall have been made to the said Commissioners of Customs or Inland Revenue respectively of the difference between the duty of Customs chargeable on the importation of such spirits or rum respectively and the duty of Excise chargeable on spirits distilled in the United Kingdom, and the same shall be charged and paid thereon accordingly.

Wood naphtha, &c. to be inspected by officer before mixing, &c.

4. All wood naphtha or methylic alcohol or other such article or substance as aforesaid to be mixed with such spirits shall, before the mixing thereof, be examined by and subject to the approval of an officer of Customs or Inland Revenue appointed in that behalf; and it shall be lawful for the Commissioners of Customs or Inland Revenue respectively, if they shall think fit, to provide the wood naphtha, methylic alcohol, or other such article or substance as aforesaid, for and at the expense of the person proposing to make such mixture.

Methylated spirit may be exported.

5. It shall be lawful to export any methylated spirit mixed under the provisions of this Act or of the said first-recited Act

under such regulations as the Commissioners of Customs shall make in that behalf. A.D. 1876.

6. All the powers, provisions, clauses, regulations, forfeitures, pains, and penalties contained in the said recited Act, and in the Act passed in the twenty-fourth and twenty-fifth years of Her Majesty's reign, chapter ninety-one, in relation to methylated spirit, shall be applied and put in force with respect to all spirits mixed under the provisions of this Act. Provisions of 18 & 19 Vict. c. 38. and 24 & 25 Vict. c. 91. applied to spirits mixed under this Act.

7. This Act shall commence from the time of the passing thereof, except as otherwise provided; and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Tariff Act, 1876." Commencement and title of Act.

SCHEDULE.

TABLE OF DUTIES OF CUSTOMS.

	£	s.	d.
Beer and ale, viz.:			
Mum, the barrel of 36 gallons - - - - -	1	1	0
Spruce, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand one hundred and ninety degrees, the barrel of 36 gallons - - - -	1	1	0
Exceeding one thousand one hundred and ninety degrees, the barrel of 36 gallons - - - - -	1	4	0
Of other sorts, viz.:			
Beer, the worts of which were, before fermentation, of a specific gravity not exceeding one thousand and sixty-five degrees, the barrel of 36 gallons - - - - - -	0	8	0
Exceeding one thousand and sixty-five degrees and not exceeding one thousand and ninety degrees, the barrel of 36 gallons - - - - - -	0	11	0
Exceeding one thousand and ninety degrees, the barrel of 36 gallons - - - - - -	0	16	0

And in charging the above rates of duty upon the importation of beer, the specific gravity of the worts from which the same was made shall be ascertained and determined in the manner prescribed by the sixteenth section of the Act of the nineteenth and twentieth Victoria, chapter thirty-four, for ascertaining and determining the rates of drawbacks on the exportation of beer.

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		£	s.	d.
Cards, playing, the dozen packs		0	3	9
Chicory, or any other vegetable matter applicable to the uses of chicory or coffee:—				
Raw, or kiln dried	the cwt.	0	13	3
Roasted or ground	the lb.	0	0	2
Chloroform	the lb.	0	3	0
Chloral hydrate	the lb.	0	1	3
Cocoa	the lb.	0	0	1
Husks and shells	the cwt.	0	2	0
Paste or chocolate	the lb.	0	0	2
Coffee	the cwt.	0	14	0
Kiln dried, roasted, or ground	the lb.	0	0	2
A drawback shall be allowed on all roasted coffee exported as ships stores, equal in amount to the import duty on raw coffee.				
Collodion	the gallon	1	4	0
Currants	the cwt.	0	7	0
Essence of spruce	for every 100*l.* value	10	0	0
Ether, sulphuric	the gallon	1	5	0
Ethyl, iodide of	the gallon	0	13	0
Figs	the cwt.	0	7	0
Fig cake	the cwt.	0	7	0
Malt, not being essences and extracts thereof	the quarter	1	4	0
Naphtha, or methylic alcohol purified. *See* Spirits.				
Plate, viz.:				
of gold	the ounce troy	0	17	0
of silver, gilt or ungilt	the ounce troy	0	1	6
Plums, commonly called French plums and prunelloes	the cwt.	0	7	0
Dried or preserved (except in sugar) not otherwise described	the cwt.	0	7	0
Prunes	the cwt.	0	7	0
Raisins	the cwt.	0	7	0
Spirits or strong waters, not being sweetened or mixed with any article so that the degree of strength thereof cannot be ascertained by Sykes' hydrometer, for every gallon of the strength of proof by such hydrometer, and so in proportion for any greater or less strength than the strength of proof, and for any greater or less quantity than a gallon, viz.:				
Brandy	the gallon	0	10	5
Geneva	the gallon	0	10	5
Naphtha or methylic alcohol purified	the gallon	0	10	5
Rum of and from any foreign country being the country of its production	the gallon	0	10	2
Rum from any country not being the country of its production	the gallon	0	10	5
Tafia of and from any colony of France	the gallon	0	10	2
Rum and spirits of and from any British possession	the gallon	0	10	2
Unenumerated	the gallon	0	10	5

		£	s.	d.
Other spirits, being sweetened or mixed so that the degree of strength cannot be ascertained as aforesaid, viz.:				
Rum shrub, liqueurs and cordials of and from any British possession - - - - -	the gallon	0	10	2
Perfumed spirits and Cologne water - -	the gallon	0	16	6
Unenumerated - - - - -	the gallon	0	14	0
Varnish, containing any quantity of alcohol or spirit	the gallon	0	12	0
Spirits or strong waters imported into the United Kingdom mixed with any ingredient, and although thereby coming under some other designation except varnish, shall nevertheless be deemed to be spirits or strong waters, and be subject to duty as such.				
Tea, until the 1st day of August 1877 - - -	the lb.	0	0	6
Tobacco, manufactured, viz.:				
Segars - - - - - -	the lb.	0	5	0
Cavendish or Negrohead - - - -	the lb.	0	4	6
Snuff, containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - - -	the lb.	0	3	9
Snuff, not containing more than 13 lbs. of moisture in every 100 lbs. weight thereof - - - -	the lb.	0	4	6
Being Cavendish or Negrohead manufactured in bond -	the lb.	0	4	0
Other manufactured tobacco - - -	the lb.	0	4	0
Tobacco, unmanufactured, viz.:				
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof - - - - - - (with 5 per cent. thereon).	the lb.	0	3	0
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof - - - - -	the lb.	0	3	6
Provided that no tobacco packed and prized shall, on the importation thereof, be examined as to the quantity of moisture contained therein except by special order of the Commissioners of Customs, and unmanufactured tobacco shall on the entry thereof be distinguished as stemmed or unstemmed, as the case may be.				
Varnish. *See* Spirits.				
Vinegar - - - - - -	the gallon	0	0	3
Pickles, preserved in - - - -	„	0	0	1

Wine, viz.:

	Containing less than the following rates of Proof Spirit verified by Sykes' Hydrometer, viz.: 26 Degrees.			42 Degrees.		
Red wine, the gallon - -	0	1	0	0	2	6
White wine, „ - -	0	1	0	0	2	6
Lees of such wine - - -	0	1	0	0	2	6

And for every degree of strength beyond the highest above specified, an additional duty of threepence per gallon. Ten per cent. of proof spirit may be used in the fortifying of any wine in bond, provided that the wine so fortified be not thereby raised to a greater degree of strength than forty per cent. of such proof spirit, if for home consumption.

Goods not prohibited to be imported into or used in Great Britain or Ireland, composed of any article liable to duty as a part or ingredient thereof, shall be

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chargeable with the full duty payable on such article, or if composed of more than one article liable to duty, then with the full duty payable on the article charged with the highest rate of duty.

Upon the importation into Great Britain and Ireland of any articles in the manufacture of which spirit is used, there shall be charged in respect of such quantity of spirit as shall appear to the satisfaction of the Treasury to be used in the manufacture of such articles, a duty equivalent to that which would be chargeable on the like quantity of spirit on its importation into the United Kingdom.

There shall be charged upon the delivery of the following goods from any warehouse for home consumption, in addition to the duties of Customs and any other charges thereon, for every one hundred pounds of such duties of Customs payable thereon, the rates following; that is to say,

	£	s.	d.
In respect of tobacco - - - -	0	2	6
In respect of other goods - - -	0	5	0

whether such tobacco or other goods shall have been removed to such warehouse under bond or not.

All goods derelict, jetsam, flotsam, and wreck brought or coming into the United Kingdom, and all droits of Admiralty sold in the United Kingdom, shall be subject and charged with the same duties as are chargeable on the like kinds of goods on importation into the United Kingdom.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

Customs Laws Consolidation.

[39 & 40 Vict. Ch. 36.]

ARRANGEMENT OF CLAUSES.

Management.

Clause. *Appointment of officers, &c.*

1. Board of Customs appointed by Her Majesty not to exceed five. A.D. 1876.
2. Commissioners subject to the control of the Treasury.
3. Appointment of officers. Salaries and securities. Retiring officer to deliver up commission. Salaries, &c. not subject to duties. Superannuation allowances not assignable.
4. Persons employed on service of the Customs to be deemed officers for such service.
5. Officers taking fee or reward not authorised by law to be dismissed.
6. Declaration on admission to office.
7. Hours of attendance, and division of duties in those hours.
8. Holidays.
9. Officers of Customs not to serve in public offices. Soldiers not to be billeted on officers of Customs.
10. What shall be deemed orders, &c. of Commissioners of Customs.

Appointment of ports, &c.

11. Treasury may appoint ports and quays, and alter or vary the limits. Alterations or variations in limits not to affect rights (irrespective of Customs) co-extensive with pre-existing limits. Ports so appointed by Treasury Warrant to be deemed ports for the purposes of 54 Geo. 3. c. 159.
12. Treasury may appoint warehousing ports or places, and warehouses, &c. Rent of goods in warehouses.
13. Warehouse-keeper to give general security.
14. Commissioners may appoint stations and sufferance wharves, &c.; and regulate discharge of cargo and boarding of officers.
15. Power to revoke or alter former warrant or orders.
16. Commissioners may order in what ports goods may be carried or water-borne by authorised persons. Commissioners may require security.

Collection of duties, &c.

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17. Duties, drawbacks, &c. to be under the management of the Commissioners of Customs. Duties and drawbacks to be in British currency, and according to imperial weight and measure.

18. When new duties of Customs are imposed former ones to continue until the new become chargeable, except in certain cases. Duties due before the passing of this Act to be levied as if payable by this Act.

19. Goods in warehouse, when entered for home consumption, to be chargeable with existing duties on like sort of goods.

20. When contracts have been entered into, amount of increased or decreased duty to be added or deducted.

21. All moneys, &c. received on account of Customs to be paid into the Bank of England.

22. The Treasury may make rules for keeping the accounts of the revenue of the Customs, and for appropriation thereof. Responsibility for money, &c.

23. Bank to keep an account, to be returned to the Customs, for inspection by the Accountant and Comptroller General. Any default to be reported to the Commissioners of Customs.

24. Bank of England not to dispose of money, &c., except for a specified purpose.

25. In London, debenture, &c. to be paid out of Commissioners account; at any other port, out of moneys in collector's hands. Limitation of time for return of duties overpaid extended to six years.

26. Commissioners of Customs may close accounts of collectors.

27. Customs duties, &c. payable to Exchequer account of Bank of England to be received under such regulations as the Treasury shall prescribe.

28. Forgery declared felony.

29. Certain moneys, &c. deemed within meaning of 24 & 25 Vict. c. 96.

Disputes between importers and officers.

30. In case of dispute, importer to deposit the duty, &c. demanded. On payment of such deposit, &c. importer to have delivery.

31. Deposits to be carried to Consolidated Fund. If no action brought, deposit to be retained as duties. If action determined against the revenue, importer indemnified.

Complaints, &c.

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Clause.
32. Disputes and inquiries in London.
33. Appeal to open court. Commissioner to conduct public inquiry. Power to keep order.
34. Commissioners to prosecute or decide. Award may be enforced.
35. Disputes and inquiries at outports.
36. Inquiries may be conducted by Commissioners, &c. Oath may be administered. Persons making a false oath guilty of perjury.
37. Power to summon witnesses. Penalty.
38. Regulations for conduct of inquiries.

IMPORTATION AND WAREHOUSING.

39. Importation and prohibition.
40. Time of importation of goods and time of arrival of ships defined.
41. Importation direct.
42. Prohibitions and restrictions. Table of prohibitions and restrictions.
43. Arms, &c. may be prohibited.
44. Lists of prohibited books to be exposed at Custom Houses.
45. Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers. Nothing to prevent persons aggrieved from proceeding at law, &c.
46. Vessels arriving to come quickly to place of unlading, and bring to at the stations for boarding officers. Accommodation of officers on board. Penalty, 20*l.*
47. Officers to board ships. To have free access to all parts. May seal or secure goods and open locks. Goods concealed, forfeited. If seal, &c. broken, master to forfeit 100*l.* Officers may put seals upon stores inwards. If such seals be broken, or the stores secretly conveyed away, master to forfeit 20*l.*
48. Time and place of landing goods inwards. Goods unshipped contrary to regulations forfeited. Goods not forthwith removed and landed forfeited.
49. Account of bullion or coin to be delivered to the officers of Customs.

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Clause.

Report of cargo.

50. Master to report within 24 hours after arrival according to Form No. 1 in Schedule (B.)

51. On failure, master to forfeit 100*l.* Goods not reported may be detained.

52. Persons in charge of commissioned ships, British or foreign, having goods on board, to deliver an account or forfeit 100*l.* Such ships liable to search.

53. Master to answer questions. Bulk not to be broken or stowage altered. Penalty, 100*l.*

54. Packages reported "Contents unknown" may be opened and examined. Prohibited goods forfeited.

Entry for home use.

55. Particulars of entry according to Form No. 2 in Schedule (B.)

56. Payment of duties. Warrant for delivery.

Entry for warehousing.

57. Particulars of entry according to Form No. 3 in Schedule (B.) Warrant for warehousing. Entry for home consumption.

Entry by bill of sight, &c.

58. Entry by bill of sight when goods not known according to Form No. 4 in Schedule (B.)

59. Warrant for landing. Before delivery, importer to make perfect entry.

60. Goods entered by bill of sight not to be delivered unless duty is paid or deposited.

61. Goods to be taken to Queen's warehouse in default of perfect entry, and sold in default of such entry within one month after landing. Entry not valid unless in manner required by law.

62. Goods entered for warehouse may upon further entry be delivered for home use or exportation.

Entry of British goods returned.

63. British goods returned to be deemed foreign.

Entry of free goods.

64. Particulars of entry according to Form No. 5 in Schedule (B.) Warrant for delivery. Account of free goods.

Entries generally.

Clause.
65. Bill of entry to be in duplicate.
66. Goods concealed in packages or delivered without entry forfeited. Passengers baggage.
67. Penalty on fraudulent import entries and concealments.
68. Surplus stores not excessive may be entered for private use or warehouse.
69. Agent to produce authority, if required.
70. Officers may take samples.
71. No entry, &c. valid unless in accordance with Acts.
72. Importer or agent failing to comply with regulations, to forfeit 20*l.*

Entry, time for.

73. Goods not entered within fourteen days may be conveyed to Queen's warehouse. Small packages or quantities of goods may be deposited in Queen's warehouse. If duties and charges on such goods be not paid within three months, the goods may be sold. Lien for freight payable before delivery of goods from Queen's warehouse.
74. Combustibles not to be deposited in Queen's warehouse.
75. If goods remain on board importing ship beyond fourteen days such ship may be detained for expenses.

Unshipping, landing, and examination.

76. Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.
77. Proper officer of Customs to take account of goods for warehouse. Contents of packages to be marked thereon, and entered in landing book.
78. Goods to be entered and duties ascertained and paid according to landing account.
79. Warehoused goods to be deposited in original packages or those of which account is taken. Goods altered or removed without sanction of officers forfeited.
80. Commissioners to direct what goods may be bulked, sorted, packed, &c.
81. Warehouse-keeper neglecting to stow goods properly, to forfeit 5*l.*
82. Warehouse-keeper neglecting to produce goods deposited when required, to forfeit 5*l.*
83. Goods not duly warehoused, or fraudulently concealed or removed, forfeited.

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84. Persons clandestinely opening warehouse, &c., to forfeit 100*l.*

85. Who liable for goods taken out of warehouse without entry. Taking goods out of warehouse, &c. to be deemed a misdemeanor. Importer or consignee, if defrauded by officers, to be indemnified.

86. If goods be damaged by fire, &c., the importer not entitled to compensation.

87. Commissioners of Customs may remit duties on warehoused goods lost or destroyed.

Removal.

88. Goods may be removed from one warehousing port to another, or from one warehouse to another in the same port. Regulations for removal.

89. Officers at port of removal to transmit account of goods to officers at port of destination. Remover to give bond in the amount of duty. Bond may be given either at port of removal or port of destination. Bond how to be discharged. General removal bond may be given.

90. Goods, on arrival at the port of destination, to be subject to same regulations as goods on first importation.

91. On arrival of goods at port of destination they may, after formal re-warehousing, be entered for exportation or for home use on payment of duties.

92. Warehoused goods, if not cleared for home use or exportation within five years, must be re-warehoused. Duties on deficiencies and expense of examination to be paid down.

93 Goods in warehouse not cleared or re-warehoused, or duties paid on deficiencies after five years, to be sold. Proceeds of sale how to be applied. Goods not worth the duty may be exported or destroyed.

94. Tobacco abandoned as not worth the duty to be destroyed.

95. Goods in warehouse may be sorted, repacked, &c. To be repacked in the original or other legal sized packages. Wine or spirits may be bottled for exportation only, and wine may be fortified, filled up, or racked off. Wines may be mixed, and samples taken. After repacking, damaged parts may be destroyed.

96. Goods in warehouses may be taken out under certain regulations and with security for duties.

Entry for home consumption and exportation.

Clause.

97. Entry for exportation or home use.

98. Persons entering warehoused goods for home use to deliver bill of entry and pay down duties. Duties to be paid according to landing account, except in certain cases. Duties on certain goods to be chargeable on ascertained quantity on delivery, unless deficiency has been caused by improper means.

99. Deficiencies in goods entered for exportation not to be charged with duty unless fraudulent.

EXPORTATION.

100. Warehoused goods not to be exported in ship of less than forty tons burden.

101. Master of vessels outwards to deliver certificate of clearance of last voyage, and to make entry outwards. Form No. 6 in Schedule (B.) Penalty, 100*l*. Shipment of goods for exportation.

102. Goods not to be shipped except on proper days and places, nor until entry and clearance. Officers may open packages and examine goods.

103. British and Irish spirits in nine-gallon casks.

As to the entry and clearance of goods for exportation.

104. On entry outwards, bond for due shipping and landing shall be given. General bond for exportation may be given. Notice in each case to be given. Stamp duty on notice equivalent to duty on separate bond.

105. Exporter to deliver shipping bill according to Form No. 7 in Schedule (B.)

106. Drawback goods not agreeing with shipping bill forfeited. Penalty for claiming more drawback than is due.

107. Inland Revenue drawback. Notice to officer. Shipment to be certified.

108. No drawback on tobacco not properly manufactured, and penalty for fraudulent attempts to obtain drawbacks.

109. Provisions as to exportation applicable to transhipment and drawback goods.

110. Specifications for free goods six days after clearance. Forms Nos. 8 and 9 in Schedule (B.) Except as to salmon.

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Clause.

111. Master or owner to deliver manifest of goods shipped.
112. Goods not exported as per specifications to be notified to proper officer.
113. Shipping bill signed by export officer to be the clearance for the goods.
114. Licensed lighterman to carry goods.
115. Warehoused goods removed or shipped for exportation without authority, forfeited.
116. Commissioners may remit duty on warehoused goods lost or destroyed during delivery or shipment.

As to debentures for drawback on goods exported.

117. Debenture for drawback.
118. Declaration as to exportation and right to drawback. Name of person entitled to be declared.
119. Payment within two years.
120. Warehouse or debenture goods not duly exported.
121. Wine allowed for officers in the navy.
122. On officers leaving the service, &c., wine transferable to others.
123. Paymasters of Her Majesty's ships may ship tobacco for crew free of duty.
124. Paymaster removed from one ship to another may tranship tobacco with permission.
125. Limiting the quantity of tobacco.

As to the shipment of stores.

126. Victualling bill for stores. Stores illegally relanded, forfeited, and penalty 100*l.*

As to clearance outwards.

127. If inward cargo reported for exportation, copy of report thereof to be delivered to the searcher.
128. Before clearance, certificates to be delivered to the proper officer. Content in Form No. 10 in Schedule (B.)
129. Additional content for goods shipped at other ports.
130. Short shipment of goods to be notified to proper officer. Goods unshipped. Penalty.
131. Goods shipped contrary to provisions forfeited.
132. Penalty on departing without being cleared.
133. In ballast. Master to answer questions. Ships carrying passengers, or chalk or slate in ballast.

Boarding of ships.

Clause.
134. Officer may board ship after clearance.
135. If officers put seals upon stores from the warehouse outwards, and such seals be broken, master to forfeit 20*l.*
136. Ships not bringing to at stations, penalty 20*l.* Carrying away officers, penalty 100*l.*
137. Time of exportation and departure defined.
138. Goods prohibited by proclamation.
139. In case of public emergency, &c., pre-entry of export or coastwise goods may be required.

COASTING TRADE.

140. All trade by sea from one part of the United Kingdom to another to be deemed coastwise, and no part to be deemed beyond the sea.
141. Foreign ships in coasting trade subject to same rules as British ships. Foreign ships employed in the coasting trade not to be subject to higher rates than British ships.
142. Coasting ship confined to coasting voyage.
143. Times and places for landing and shipping.
144. Master of coasting vessel to keep a cargo-book. Penalty for false entries in such book.
145. Account previous to departure to be delivered to collector in the Form No. 11 in Schedule (B.) Commissioners may grant general transires.
146. Transire to be delivered in 24 hours after arrival. Inland Revenue goods. Goods from the Isle of Man. Penalty for illegal unlading. Forfeiture of goods.
147. Officer may go on board and examine any coasting ship.
148. Goods brought coastwise may be entered outwards without landing.

BRITISH POSSESSIONS.

149. Powers of Commissioners of Customs as to colonies extended to governors, &c.
150. Base coin prohibited to be imported into British possessions.
151. Customs Acts to extend to British possessions abroad, except where otherwise provided for.
152. Foreign reprints of books under copyright prohibited.
153. Foreign manufactures with British marks.
154. Ship and cargo to be reported on arrival. Particulars of report. Penalty for false report.
155. Entry of goods to be laden or unladen. Regulations inwards and outwards and coastwise.

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156. Goods grown or manufactured in Channel Islands duty free. Master to deliver certificate of produce.
157. Prohibited goods not to be shipped from the Channel Islands to the United Kingdom.
158. Ships not to sail from Channel Islands without clearance. Penalty.
159. Stores for vessels departing from the Channel Islands.
160. Application of penalties. Reward to officers for seizures in Channel Islands.
161. Colonial laws repugnant to Acts of Parliament void.
162. As to importing and exporting spirits into and from Channel Islands in ships of 40 tons and upwards. Not to extend to spirits in glass bottles, stores, certain warehoused goods, nor to licensed boats supplying Sark.
163. Provision as to importation of tobacco, &c. into Channel Islands.
164. Malta deemed to be in Europe.

BONDS AND OTHER SECURITIES.

165. All bonds and securities entered into valid. Bonds to be taken to the use of Her Majesty. Bonds of minors valid.
166. How bonds satisfied may be discharged.
167. Exoneration of estates of obligors. Form of certificate of exoneration. Certificates to be sufficient evidence of exoneration.

FALSE DECLARATIONS.

168. Penalty on making false declarations, signing false documents, and untruly answering questions, and counterfeiting and using false documents.

SMUGGLING.

Restrictions on small craft.

169. Commissioners may make general regulations for vessels and boats not exceeding 100 tons.
170. Vessels and boats used contrary to regulations forfeited.
171. Commissioners of Customs may grant special licenses on terms.
172. Vessels made use of in removal of uncustomed or prohibited goods forfeited.
173. Commissioners may revoke licenses.
174. Regulations to extend to Channel Islands.
175. Boats of vessel to have thereon the name of vessel, port, and master.

Clause.

176. Boats not belonging to ships to have name of owner and port thereon. A.D. 1876.

177. Goods unshipped without payment of duty and prohibited goods liable to forfeiture. Goods illegally removed from warehouse. Prohibited goods shipped or water-borne with intent to be exported, &c. Goods concealed on board, and goods packed therewith, forfeited.

178. Restricted goods to be deemed run.

179. Any vessel or boat arriving within the United Kingdom or the Channel Islands, or within three leagues thereof, having prohibited goods on board or attached thereto, forfeited. Prohibited goods shipped or water-borne with intent to be exported, &c. Persons found or discovered to have been on board vessels with contraband goods may be detained.

180. Ships belonging to Her Majesty's subjects, &c. throwing overboard any goods during chase forfeited, and persons escaping deemed British subjects.

181. Ships not bringing to when required to, penalty 20*l.* Not bringing to may be fired into.

182. Ships may be searched within the limits of the ports.

183. Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.

184. Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.

185. Persons before search may require to be taken before a justice or officer of Customs. Penalty on officers for misconduct. Penalty on persons denying having foreign goods about them.

186. Illegally importing. Unshipping. Removing from quay, wharf, &c. Carrying goods into warehouse without authority. Removing from warehouse. Harbouring. Carrying. Evading duties of Customs. Penalty treble value, or 100*l.*

187. Rescuing goods. Rescuing person. Assaulting, resisting, or obstructing officers.

188. Penalty for assembling to run goods.

189. Procuring or hiring persons to assemble to run goods. Persons armed or disguised with goods within five miles of coast.

190. Persons signalling smuggling vessels may be detained and forfeit 100*l.*, or be kept to hard labour for one year.

191. Proof of a signal not being intended on defendant.

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Clause.
192. Any person may prevent signals.
193. Persons shooting at boats belonging to navy or revenue service guilty of felony.
194. Officers may haul their vessels on shore without being liable to suit.
195. Penalty on persons cutting adrift vessels belonging to the Customs.
196. Officers of army, &c. may patrol coasts without being liable to suit.
197. Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be detained or admitted to bail.
198. Persons in Her Majesty's service detained to be secured on board until warrant procured.
199. Any person escaping may afterwards be detained.
200. Only officers to take up spirits in casks sunk or floating upon the sea, and persons giving information may be rewarded.
201. Penalty for offering goods for sale on pretence of being smuggled.
202. Ships, &c. used in the removal of raw goods to be forfeited. Ships, boats, &c. and persons may be detained. Seizures to be taken to the nearest Custom House.
203. Officers of Customs may on probable cause stop carts, &c., and search for goods.
204. Officers authorised by writ of assistance or warrant may search houses for uncustomed or prohibited goods.
205. Officers may search premises by warrant granted on reasonable cause shown.
206. Goods stopped by police officers may be retained until trial of persons charged with stealing them.
207. Notice to be given by seizing-officer to owner of ships or goods seized, and seizures to be claimed within one month. Perishable goods, &c. may be sold.
208. Seizures may be disposed of as Commissioners of Customs direct.
209. Seizures may be restored and punishments mitigated.

Compensations and rewards.

210. Officers wounded to be provided for, &c.
211. Rewards for detaining smugglers.
212. Rewards out of penalties.

Clause.

213. Rewards to officers making seizures. The Treasury or Commissioners of Customs to fix the value of spirits and tobacco. A.D. 1876.

214. How value is to be ascertained.

215. All rewards and seizures payable to officers of army, navy, or marines to be regulated by Order in Council.

216. Commissioners may distribute officers shares of seizure so as to reward persons not actually present.

Collusive seizures.

217. Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.

LEGAL PROCEEDINGS.

218. How penalties, &c. to be sued for. Proviso where the duties and penalties sought to be recovered shall not exceed 100*l*.

219. Execution may issue after trial out of term.

220. Penalty and costs to be stated in convictions, &c.

221. Where proceeding by capias is waived in favour of the subject, justices may issue warrant and admit to bail.

222. Penalties joint and several may be sued for by joint and several information.

223. Informations, convictions, &c. to be in form, &c. in Schedule (C.)

224. Justices may summon offender.

225. On attendance of the party on the day and place appointed, justices may hear and determine the case. On non-appearance justice to proceed as if he had appeared.

226. Justices may condemn goods liable to forfeiture.

227. Summons to be served personally, or by leaving same at last known place of abode.

228. Penalty for neglecting to attend.

229. Offences on the water, &c., and jurisdiction.

230. Justice of adjoining county may act when required.

231. Justices of counties to have concurrent jurisdiction in cities, boroughs, &c. situate in such counties.

232. Justice may commit in default of payment of penalty until paid. Small Penalties Act, 1865, not applicable to Customs.

233. Justices may commit in certain cases without order of Commissioners. When quantity of spirits is less than five gallons, or of tobacco less than 20 lbs. Where quantity between five and 20 gallons of spirits, or from 20 to 80 lbs. of tobacco, justices may mitigate. Above 20 gallons of spirits, or 80 lbs. of tobacco, no mitigation by justices.

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Clause.
234. Persons arriving in ships from infected places not to land before examination.
235. Penalties and forfeitures to be paid to Commissioners.
236. Any person committed in default of payment of a penalty less than 100*l.* to be discharged by gaoler in six months if not duly released.
237. Persons previously convicted may, on verdict, be imprisoned in house of correction.
238. Justices may commit to nearest house of correction, if none in their jurisdiction.
239. Justices may commute hard labour where offender is a female or infirm.
240. If prisoner be found to have been previously convicted imprisonment may be extended. Married women may be committed.
241. Subsistence of prisoners committed for offences against Customs laws.
242. Subsistence to prisoners, and gaol fees in Channel Islands.

Removal of proceedings.

243. Writs of certiorari and habeas corpus not to issue except on affidavit.
244. No writ of habeas corpus or order without notice to solicitor.
245. Prisoners against whom informations are exhibited to be brought up by habeas corpus or judge's order.

As to justices clerks fees in Customs prosecutions.

246. Justices clerks fees.

Superior courts.

247. Procedure for penalties.
248. Service of subpœna.
249. Judgment by default for non-appearance or want of plea.
250. Execution may issue to sheriff of any county without reference to venue.
251. Impoverished persons may sue in formâ pauperis.
252. Sheriff to grant special warrant on writ of capias endorsed by solicitor of Customs.
253. Sheriff indemnified for escape if warrant granted at request of Customs. Gaoler to receive offender.
254. When offenders arrested give bail to the sheriff, bail bond to be assigned to Her Majesty.

Prosecutions, &c.

Clause.
255. In whose names indictments or suits to be preferred.
256. The Attorney-General or Lord Advocate may enter a nolle prosequi.
257. Suits, &c. to be exhibited within three years.
258. Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.

Proofs in proceedings.

259. Defendant's proof in smuggling cases.
260. Averments in smuggling cases.
261. Vivâ voce evidence may be given that a party is an officer. Witness competent although entitled to part of seizure or reward.
262. What shall be evidence of order of Treasury or Commissioners of Customs or Inland Revenue.
263. Evidence of condemnation in forfeiture.

Entry of appearances.

264. Claim to be in name of bonâ fide owners; verified by oath of ownership.
265. If goods owned by more than five co-proprietors, two may make the oath.
266. If goods owned by a company or co-partners, oath may be made by public officer or agent.
267. Probable cause may be certified in bar.

Actions against officers.

268. One month's notice of action to officer before process.
269. Evidence limited to subject in notice.
270. Officer may tender amends.
271. Officer omitting to tender amends may pay money into court.
272. Actions against officers to be brought within one month after cause arises.
273. Solicitors clerks and officers of Customs may conduct cases.
274. Defendants in Customs cases to have choice of attorney and counsel in Scotland.

LANDS CLAUSES.

Clause.
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275. Moneys produced by sale of lands to be paid to the Commissioners of Customs.
276. Money for lands of incapacitated persons to be paid into Bank of England.

ISLE OF MAN.

277. Isle of Man deemed part of United Kingdom for Customs purposes.
278. Goods delivered out of charge of Customs in the Isle of Man not to be brought into Great Britain or Ireland. Goods brought to Isle of Man, but not delivered from Customs, may be brought to Great Britain or Ireland on conditions.
279. Goods the growth or manufacture of Isle of Man may be imported into Great Britain or Ireland on certificate, &c.
280. Declaration and certificate of growth or manufacture of goods from Isle of Man.
281. Act not to affect Excise drawback.
282. Stores of Manx ships.
283. Treasury may restrict imports.

MISCELLANEOUS.

As to the interpretation of terms used in this Act.

284. Interpretation of terms.
285. Customs fund available for officers of the United Kingdom, and the Life Assurance Companies Act shall not apply to that fund.
286. Cards imported not to be sold without a wrapper provided by the Commissioners of Inland Revenue.
287. Reciprocity under treaties, &c.

As to repeal of existing Acts.

288. Acts set forth in Schedule (A.) repealed. Orders, &c. under Acts repealed to be valid. Commissions, deputations, bonds, &c., to remain in force. Warrants, orders, and regulations to remain in force. Ports, bonding-places, havens, creeks, &c., to continue.
289. Act to be registered in Royal Courts of Guernsey and Jersey.
290. Commencement of Act.

SCHEDULES.

SCHEDULE (A.) Acts to be repealed.
SCHEDULES (B.) and (C.) Forms.

CHAPTER 36.

An Act to consolidate the Customs Laws. [24th July 1876.] A.D. 1876.

WHEREAS it is expedient that the several Acts now in force for the management and regulation of Customs should be consolidated into one Act:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

MANAGEMENT.

As to the appointment of Commissioners of Customs, &c.

Appointment of officers, &c.

Board of Customs appointed by Her Majesty not to exceed five.

1. It shall be lawful for Her Majesty from time to time to appoint, under the Great Seal of the United Kingdom, any number of persons not exceeding five to be Commissioners of Customs for the collection and management of the Customs of the United Kingdom and of Her Majesty's possessions abroad, and each of such Commissioners when so appointed shall have and hold his office during Her Majesty's pleasure.

Commissioners subject to the control of the Treasury.

2. The Commissioners so appointed shall, in all matters and things relating to the execution of their duties, be subject to the authority, directions, and control of the Commissioners of the Treasury, and shall obey such orders and instructions as shall from time to time be issued to them by the Commissioners of the Treasury.

Appointment of officers.

Salaries and securities.

3. The Commissioners of the Treasury, or, under their authority, the Commissioners of Customs, may appoint proper persons for the management and collection of the Customs, and the performance of all duties connected therewith, under the control and direction of the Commissioners of Customs, and grant to such persons such salaries and allowances, and permit them to receive such emoluments for executing the duties of their respective offices, as they may deem fit, and require of such persons such securities for their good conduct as the Commissioners of Customs shall deem

A.D. 1876.

MANAGEMENT.

Retiring officer to deliver up commission.

necessary; and such persons shall hold their offices during the pleasure of the Commissioners of the Treasury or of the Commissioners of Customs; and any person so appointed, and holding a deputation or commission, shall deliver up the same to the Commissioners of Customs, or otherwise account for the same to their satisfaction, within one week after he shall cease to hold such office or employment, and in default thereof such person may, on conviction before any justice of the peace, be imprisoned in any gaol until he shall deliver up such deputation or commission or account for the same to the satisfaction of the Commissioners of Customs; and all salaries and allowances granted to any officer or other person in the service of the Customs shall be paid without any deduction on account of any duties imposed by any Act of Parliament, unless expressly charged thereon; and when any sum of money shall have been or shall be granted annually or otherwise to any person who has been employed in the service of the Customs as a superannuation allowance upon the retirement of such person from such service, or as a compensation for past services, it shall not be lawful for the grantee of such allowance or compensation to assign or dispose of the same to any person or persons whomsoever, and any such assignment or disposition shall be void to all intents and purposes, and shall not be enforced in any court of law or equity: Provided that if any officer in the receipt of any salary or allowance shall, by reason of insanity, be placed in any asylum, the Commissioners of Customs may advance and pay out of the salary or allowance accruing due to him such portion thereof as they may see fit for or towards the cost of his maintenance in such asylum.

Salaries, &c. not subject to duties.

Superannuation allowances not assignable.

Persons employed on service of the Customs to be deemed officers for such service.

4. Every person employed on any duty or service relating to the Customs, trade, or navigation, either in the United Kingdom, the Channel Islands, or any of Her Majesty's possessions abroad, by the orders or with the concurrence of the Commissioners of Customs (whether previously or subsequently expressed), shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the Commissioners of Customs to act for such particular officer, shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Commissioners of Customs for such purpose, shall be deemed to be done at the particular place so required by law.

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MANAGEMENT.

Officers taking fee or reward not authorised by law, to be dismissed.

5. If any officer, clerk, or any other person acting in any office or employment in or belonging to the Customs shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person appointed to some office in the Customs) on account of anything done or omitted to be done by him in or in any way relating to his said office or employment, except such as he shall receive under permission of the Commissioners of the Treasury or Customs, such officer, clerk, or other person so offending shall, on proof thereof to the satisfaction of the Commissioners of Customs, be dismissed from his office.

Declaration on admission to office.

6. Every person who shall be appointed to any permanent office or employment in the Customs under the control and direction of the Commissioners of Customs shall, on his admission thereto, if required by them, make the following declaration:

'I, *A.B.*, do declare, that I will be true and faithful in the 'execution, to the best of my knowledge and power, of the trust 'committed to my charge and inspection in the service of Her 'Majesty's Customs; and that I will not require, take, or receive 'any fee, perquisite, gratuity, or reward, whether pecuniary or of 'any sort or description whatever, either directly or indirectly, for 'any service, act, duty, matter, or thing done or performed, or to 'be done or performed, in the execution or discharge of any of the 'duties of my office or employment, on any account whatever, 'other than my salary and what is or shall be allowed me by law 'or by any special order of the Commissioners of Her Majesty's 'Treasury or the Commissioners of Her Majesty's Customs for the 'time being.'

Hours of attendance, and division of duties in those hours.

7. The Commissioners of the Treasury may, by their warrant, from time to time appoint the hours of general attendance of the Commissioners and officers of Customs, and of other persons in the Customs service, at their proper offices and places of employment; and the Commissioners of Customs may appoint the times during such hours at which any particular parts of the duties of any such officers and other persons shall be performed.

Holidays.

8. No day shall be kept as a public holiday by the Customs, except every Christmas Day and Good Friday, and such other days as are or may be appointed to be kept as such by Her Majesty's proclamation or by Act of Parliament, and, so far as regards Scotland, such days as shall be appointed to be so kept by authority of the General Assembly, and also such days as may be appointed for the celebration of the birthdays of Her Majesty and of her successors, and such days shall be kept as public holidays by the

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Retiring officer to deliver up commission.

necessary; and such persons shall hold their offices during the pleasure of the Commissioners of the Treasury or of the Commissioners of Customs; and any person so appointed, and holding a deputation or commission, shall deliver up the same to the Commissioners of Customs, or otherwise account for the same to their satisfaction, within one week after he shall cease to hold such office or employment, and in default thereof such person may, on conviction before any justice of the peace, be imprisoned in any gaol until he shall deliver up such deputation or commission or account for the same to the satisfaction of the Commissioners of Customs; and all salaries and allowances granted to any officer or other person in the service of the Customs shall be paid without any deduction on account of any duties imposed by any Act of Parliament, unless expressly charged thereon; and when any sum of money shall have been or shall be granted annually or otherwise to any person who has been employed in the service of the Customs as a superannuation allowance upon the retirement of such person from such service, or as a compensation for past services, it shall not be lawful for the grantee of such allowance or compensation to assign or dispose of the same to any person or persons whomsoever, and any such assignment or disposition shall be void to all intents and purposes, and shall not be enforced in any court of law or equity: Provided that if any officer in the receipt of any salary or allowance shall, by reason of insanity, be placed in any asylum, the Commissioners of Customs may advance and pay out of the salary or allowance accruing due to him such portion thereof as they may see fit for or towards the cost of his maintenance in such asylum.

Salaries, &c. not subject to duties.

Superannuation allowances not assignable.

Persons employed on service of the Customs to be deemed officers for such service.

4. Every person employed on any duty or service relating to the Customs, trade, or navigation, either in the United Kingdom, the Channel Islands, or any of Her Majesty's possessions abroad, by the orders or with the concurrence of the Commissioners of Customs (whether previously or subsequently expressed), shall be deemed to be the officer for that duty or service; and every act required by law at any time to be done by or with any particular officer nominated for such purpose, if done by or with any person appointed by the Commissioners of Customs to act for such particular officer, shall be deemed to be done by or with such particular officer; and every act required by law to be done at any particular place within any port, if done at any place within such port appointed by the Commissioners of Customs for such purpose, shall be deemed to be done at the particular place so required by law.

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Management.

Officers taking fee or reward not authorised by law, to be dismissed.

5. If any officer, clerk, or any other person acting in any office or employment in or belonging to the Customs shall accept any fee, perquisite, or reward, whether pecuniary or otherwise, directly or indirectly, from any person (not being a person appointed to some office in the Customs) on account of anything done or omitted to be done by him in or in any way relating to his said office or employment, except such as he shall receive under permission of the Commissioners of the Treasury or Customs, such officer, clerk, or other person so offending shall, on proof thereof to the satisfaction of the Commissioners of Customs, be dismissed from his office.

Declaration on admission to office.

6. Every person who shall be appointed to any permanent office or employment in the Customs under the control and direction of the Commissioners of Customs shall, on his admission thereto, if required by them, make the following declaration:

'I, *A.B.*, do declare, that I will be true and faithful in the 'execution, to the best of my knowledge and power, of the trust 'committed to my charge and inspection in the service of Her 'Majesty's Customs; and that I will not require, take, or receive 'any fee, perquisite, gratuity, or reward, whether pecuniary or of 'any sort or description whatever, either directly or indirectly, for 'any service, act, duty, matter, or thing done or performed, or to 'be done or performed, in the execution or discharge of any of the 'duties of my office or employment, on any account whatever, 'other than my salary and what is or shall be allowed me by law 'or by any special order of the Commissioners of Her Majesty's 'Treasury or the Commissioners of Her Majesty's Customs for the 'time being.'

Hours of attendance, and division of duties in those hours.

7. The Commissioners of the Treasury may, by their warrant, from time to time appoint the hours of general attendance of the Commissioners and officers of Customs, and of other persons in the Customs service, at their proper offices and places of employment; and the Commissioners of Customs may appoint the times during such hours at which any particular parts of the duties of any such officers and other persons shall be performed.

Holidays.

8. No day shall be kept as a public holiday by the Customs, except every Christmas Day and Good Friday, and such other days as are or may be appointed to be kept as such by Her Majesty's proclamation or by Act of Parliament, and, so far as regards Scotland, such days as shall be appointed to be so kept by authority of the General Assembly, and also such days as may be appointed for the celebration of the birthdays of Her Majesty and of her successors, and such days shall be kept as public holidays by the

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officers and servants of the dock companies in England and Ireland, as required by the Holidays Extension Act, 1875.

Officers of Customs not to serve in public offices.

9. No Commissioner, officer, clerk, or other person acting in the management or service of the Customs shall be compelled to serve in the militia, or on any jury or inquest, or to assume the office of a mayor or sheriff, or to act in any corporate, parochial, or other public office, and section twelve of "The Juries Act, 1870," shall not apply to persons hereby exempted; nor shall any soldiers or militia be billeted on any such Commissioner, officer, or other person as aforesaid.

Soldiers not to be billeted on officers of Customs.

What shall be deemed orders, &c. of Commissioners of Customs.

10. Every order, document, or instrument required by law to be under the hands of the Commissioners of Customs, but not required to be signed by two or more of them, being attested by the signature of any one of such Commissioners, and every order, document, or instrument required by any law to be under the hands or under the hands and seals of the Commissioners of Customs, being attested by the hands or the hands and seals of two or more of such Commissioners, shall be deemed to be an order, document, or instrument under the hands, or under the hands and seals, as the case may be, of the Commissioners of Customs.

Appointment of ports, &c.

As to the appointment of ports, quays, warehouses, sufferance wharves, landing and boarding stations.

Treasury may appoint ports and quays, and alter or vary the limits.

11. The Commissioners of the Treasury may, by their warrant, appoint any port, sub-port, haven, or creek in the United Kingdom or in the Channel Islands, and declare the limits thereof, and appoint proper places within the same to be legal quays for the lading and unlading of goods, and declare the bounds and extent of any such quays, and annul the limits of any port, sub-port, haven, creek, or legal quay already appointed or to be hereafter set out and appointed, and declare the same to be no longer a port, sub-port, haven, creek, or legal quay, or alter or vary the names, bounds, and limits thereof: Provided always, that when by any such warrant the pre-existing limits of any port, sub-port, haven, creek, or legal quay shall be altered or varied, the same shall not affect or abridge any lawful rights or privileges co-extensive with such pre-existing limits (irrespective of matters relating to Her Majesty's Customs) granted to any person or body of persons by any Act of Parliament, grant, or other legal instrument, but they shall be deemed to be and remain the same for the purposes of such Act, grant, or other legal instrument as if no such alteration or variation had been made: Provided that any port so appointed by

Alterations or variations in limits not to affect rights (irrespective of Customs) co-extensive with pre-existing limits.

Ports so appointed by Treasury

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warrant as aforesaid shall, to the whole extent of the limits thereof, be deemed to be a port within the meaning and for the purposes of the Act of fifty-four George the Third, chapter one hundred and fifty-nine, and of any other Public Act for the protection of the ports, harbours, shores, and navigable rivers of the United Kingdom or any part thereof.

Warrant to be deemed ports for the purposes of 54 Geo. 3. c. 159.

12. The Commissioners of the Treasury may, by their warrant, from time to time appoint the ports and inland bonding places in the United Kingdom which shall be warehousing ports or places for the purposes of the Customs Acts, in addition to those already appointed; and, subject to their directions, the Commissioners of Customs may by their order from time to time approve and appoint warehouses or places of security in such ports or places, and direct in what different parts or divisions of such warehouses or places, and in what manner, any goods and what sort of goods may, and may only, be warehoused, kept, and secured without payment of duty upon the first entry thereof or for exportation only, in cases where the same may be prohibited to be imported for home use; and the Commissioners of Customs may also fix the amount of rent which shall be payable in respect of any goods deposited or secured in any of the Queen's warehouses; and all such sums shall be paid, received, and appropriated as moneys not duties of Customs.

Treasury may appoint warehousing ports or places, and warehouses, &c.

Rent in warehouses.

13. The proprietor or occupier of every warehouse so approved (except existing warehouses of special security, in respect of which security by bond has hitherto been dispensed with), or some one on his behalf, shall, before any goods shall be warehoused therein, give or procure to be given security by bond, or such other security as the Commissioners of the Treasury or Customs may approve, for the payment of the full duties chargeable on any goods which shall at any time be warehoused in any warehouse duly approved by them for that purpose, or for the due exportation thereof.

Warehouse-keeper to give general security.

14. The Commissioners of Customs may from time to time, by order under their hands, appoint in the United Kingdom or the Channel Islands stations or places for ships arriving at or departing from any port or place to bring to for the boarding or landing of officers of the Customs, and may also appoint places to be sufferance wharves for the lading and unlading of goods, in such cases, under such restrictions, and in such manner as they shall see fit; and may also direct at what particular part or parts of any harbour, dock, quay, or other place in any such port ships laden with tobacco or any particular cargo shall moor or discharge such cargo; and the Commissioners of Customs, or the collector or other

Commissioners may appoint stations and sufferance wharves, &c.,

and regulate discharge of cargo and boarding of officers.

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proper officer of any such port, may station officers on board any ship while within the limits of any port.

Power to revoke or alter former warrant or orders.

15. The Commissioners of the Treasury and the Commissioners of Customs may from time to time revoke or alter any such warrant or order made by them respectively.

Commissioners may order in what ports goods may be carried or water-borne by authorised persons.

16. The Commissioners of Customs may order and direct in what ports or places in the United Kingdom goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation, and goods carried or water-borne from any importing ship to, or to be landed at, any wharf, quay, or other place, and such goods shall be so carried or water-borne only by persons authorised for that purpose by license under the hands of the Commissioners of Customs, who may revoke any such orders or directions, or make others in lieu thereof, when and as they may deem expedient; and may grant such licenses in such form and manner and to such persons as they may deem proper, and may revoke the same when and as they shall think fit; and before granting any such license may require such security, by bond or otherwise, for the faithful and incorrupt conduct of such person, as they shall deem necessary.

Commissioners may require security.

Collection of duties, &c.

As to the collection and management of duties of Customs, drawbacks, and allowances.

Duties, drawbacks, &c. to be under the management of the Commissioners of Customs.

17. All duties of Customs or other duties, rates, and charges under the management, collection, or control of the Commissioners of Customs, and all drawbacks and allowances now imposed and allowed, or which may hereafter be imposed or allowed by law, shall be under the management of the Commissioners of Customs for the time being, and shall be ascertained, raised, levied, collected, paid, recovered, allowed, and applied or appropriated under the provisions of the laws for the time being in force relating thereto; and all duties, rates, charges, and drawbacks imposed and allowed according to any specified quantity or any specified value shall be deemed to apply in the same proportion to any greater or less quantity or value, and shall be paid and received in every part of the United Kingdom in British currency, and according to imperial weights and measures.

Duties and drawbacks to be in British currency, and according to imperial weight and measure.

When new duties of Customs are imposed former ones to continue until

18. In all cases where any new duties of Customs or other duties, rates, or charges under the management, collection, or control of the Commissioners of Customs are or may be imposed by any Act of Parliament, or by any resolution of the House of

MANAGEMENT.

Commons, in lieu of any duties payable at the time of the passing of such Act, such former duties shall be and continue payable until such new duties imposed in lieu thereof shall become chargeable, save and except in cases where the Act or resolution imposing such new duties shall otherwise provide; and all moneys arising from any duties of Customs, rates, or charges, or any arrears thereof, payable on account of any goods whatever imported into or exported from the United Kingdom under any former Act, although computed under such former Act, and whether secured by bond or otherwise, shall be levied, paid, and appropriated in the same manner as if the same had been made payable by this or any other Act in force for the time being; and all drawbacks or allowances payable under any former Act shall be paid or allowed under this or such other Act as may be in force for the time being.

the new become chargeable, except in certain cases.

Duties due before the passing of this Act to be levied as if payable by this Act.

19. All goods deposited in any warehouse or place of security under any Act for the warehousing of goods, without payment of duty upon the first importation thereof, or which may be imported and on board any ship, shall, upon being entered for home consumption, be subject to such and the like duties as may at the time of passing such entry be due and payable on the like sort of goods under any Customs Acts in force at the time of passing such entry, save and except in cases where special provision shall be made by such Act to the contrary.

Goods in warehouse, when entered for home consumption, to be chargeable with existing duties on like sort of goods.

20. In the event of any increase, decrease, or repeal of duties of Customs chargeable upon any goods or commodities after the making of any contract or agreement for the sale or delivery of such goods duty-paid, it shall be lawful for the seller, in case such increase shall accrue before the clearance and delivery from the warehouse of such goods at such increased duty, and after payment thereof, to add so much money to the contract price as will be equivalent to such increase of duty, and he shall be entitled to be paid and to sue for and recover the same; and it shall be lawful for the purchaser under any such contract or agreement, in case such decrease or repeal shall take effect before the clearance and delivery from the warehouse at such decreased duty, or free of duty, as the case may be, to deduct so much money from the contract price as will be equivalent to such decrease of duty or repealed duty, and he shall not be liable to pay or be sued for or in respect of such deduction.

When contracts have been entered into, amount of increased or decreased duty to be added or deducted.

21. All money, bills, notes, and drafts received on account of the revenue of Customs in Great Britain, and all other money

All moneys, &c. received on account

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of Customs to be paid into the Bank of England.

arising by the duties of Customs in Great Britain, shall from time to time be paid into the hands of the Governor and Company of the Bank of England, and shall be placed to an account to be raised in the books of the said company, intituled "The General Account of the Commissioners of Customs;" and all money arising from the duties of Customs in Ireland shall be paid into the receipt of Her Majesty's Exchequer.

The Treasury may make rules for keeping the accounts of the revenue of the Customs, and for appropriation thereof.

22. The Commissioners of the Treasury may from time to time establish such rules and regulations as they may think necessary for keeping the accounts of the Commissioners of Customs with the Governor and Company of the Bank of England, and of the Governor and Company of the Bank of England in relation thereto, and also for payment and appropriation of the money arising from the duties of Customs, and so brought to account for Her Majesty's service, and from time to time alter or revoke such rules and regulations, and make others in lieu thereof; and the rules and regulations now in force shall remain and continue to be acted upon until the same shall be so altered or revoked, or others established by the said Commissioners of the Treasury in lieu thereof; and the said Commissioners of Customs, observing the rules and regulations so prescribed, shall not be answerable for any money, bills, notes, or drafts which shall have been so paid into the Bank of England; and the Governor and Company of the Bank of England shall be answerable for all the money, bills, notes, and drafts which shall be actually received by them on account of the said Commissioners of Customs.

Responsibility for money, &c.

Bank to keep an account, to be returned to the Customs, for inspection by the Accountant and Comptroller General.

23. The Governor and Company of the Bank of England, or some person duly authorised in that behalf, shall daily, upon receiving any money, bills, notes, and drafts from or on account of the said Commissioners of Customs, make an entry of the money, bills, notes, and drafts so received in a book to be provided by the Governor and Company of the Bank of England, which book shall be forthwith redelivered to the persons making the payments for the Customs, for which money, bills, notes, and drafts the entry in the book herein-before mentioned shall be a sufficient discharge; and such book shall be inspected daily after its return by the Accountant and Comptroller General of the Customs, or his clerk (such clerk being first duly authorised by him, and for whose conduct he shall be answerable), who shall satisfy himself that all money, bills, notes, and drafts received by or on account of the said Commissioners have been duly paid into the Bank under the provisions of this Act; and any default which such Accountant and Comptroller General or his clerk may discover in that behalf

Any default to be reported to the Commissioners of Customs.

shall be immediately reported by him to the said Commissioners of Customs.

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Bank of England not to dispose of money, &c., except for a specified purpose.

24. The Governor and Company of the Bank of England shall not pay or transfer, apply, or dispose of any part of the money, notes, bills of exchange, or drafts which may be paid in and placed to the account of the said Commissioners of Customs from such account, except in accordance with the rules and regulations for the time being of the Commissioners of the Treasury, unless any such notes, bills of exchange, or drafts shall be required by the Solicitor of Customs for the purpose of taking out an extent for the security of the money for which the same shall have been given, in which case such notes, bills of exchange, or drafts, or any of them, shall be delivered to such solicitor or his clerk, on the order of the Commissioners of Customs for that purpose, and such delivery shall be entered in the book herein directed to be provided.

In London, debenture, &c. to be paid out of Commissioners account.

At any other port, out of moneys in collector's hands.

Limitation of time for return of duties overpaid extended to six years.

25. Every sum of money which shall be due in the port of London upon any debenture, certificate, or other instrument for the payment of any money out of the duties of Customs, shall be paid out of any money so paid into the Bank of England on account of the said Commissioners of Customs, in accordance with the rules and regulations for the time being in respect thereof, and every such payment shall be allowed by the Comptroller and Auditor General of Public Accounts in the settling or auditing of the accounts of the said Commissioners of Customs; and when any such payment shall become due at any other port in the United Kingdom, the same may be paid by the collector at such port out of any of the money in his hands arising from the duties of the Customs, under the directions of the said Commissioners of Customs; and the Commissioners of Customs are hereby authorised to return any money which shall have been overpaid as duties of Customs, at any time within six years after such overpayment, on its being proved to their satisfaction that the same was overpaid in error; but no such return shall be allowed unless the claim for the same shall have been made and established within such period of six years.

Commissioners of Customs may close accounts of collectors.

26. The Commissioners of Customs shall and may finally settle and close the accounts of any collectors or receivers of any part of the revenue of the Customs or other duties under their management, notwithstanding any erroneous appropriation of duties of Customs received by such collectors or receivers; and the said Commissioners are hereby empowered to correct any such appropriation, in order to prevent the accounts of any such collectors or receivers from

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being kept open; and all such corrections shall be allowed by the Comptroller and Auditor General of Public Accounts in passing the general accounts of Customs.

Customs duties, &c. payable to Exchequer account of Bank of England, to be received under such regulations as the Treasury shall prescribe.

27. All Customs duties and other public moneys payable to the Exchequer account at the Bank of England shall be received to the credit of such account by the Governor and Company of the said Bank, under such regulations and directions as the Commissioners of Her Majesty's Treasury shall from time to time prescribe; and the specifications or statements of particulars required by an Act passed in the fourth and fifth years of the reign of His late Majesty King William the Fourth, chapter fifteen, intituled "An Act to "regulate the office of the receipt of His Majesty's Exchequer at "Westminster," to be delivered to the cashier or other officer of the Bank of England by the person paying in any such money, shall be required only in such cases, and shall be signed and issued by such person, as the said Commissioners shall from time to time direct; and the acquittances for all payments made to the account of the Exchequer at the Bank of England shall be made out in such form and under such regulations as shall be prescribed by the said Commissioners; and such acquittances shall have in all respects the same force and validity in law as the acquittances heretofore given by the Comptroller of the Exchequer by virtue of the ninth section of the said recited Act of the fourth and fifth years of the reign of King William the Fourth; and the several orders, rules, and regulations which may be issued under the authority of this Act by the said Commissioners of Her Majesty's Treasury, as relating to such specifications and acquittances as aforesaid, shall be laid before both Houses of Parliament within six weeks after the issue of such orders, rules, and regulations, if Parliament shall be sitting, or if not sitting, then within six weeks next immediately after the re-assembling of Parliament.

Forgery declared felony.

28. If any person or persons shall knowingly and wilfully forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully act or assist in forging or counterfeiting the name or handwriting of any Commissioner of Customs, or of any Accountant and Comptroller General of the Customs, or of any person acting for them respectively, to any draft, instrument, or writing whatsoever, for or in order to the receiving or obtaining any of the money in the hands or custody of the Governor and Company of the Bank of England on account of the said Commissioners of Customs, or shall forge or counterfeit, or cause or procure to be forged or counterfeited, or knowingly and wilfully

act or assist in the forging or counterfeiting, any draft, instrument, or writing in form of a draft made by such Accountant and Comptroller General or person as aforesaid, or shall utter or publish the same knowing it to be forged or counterfeited, with intent to defraud any person whomsoever, every such person or persons so offending, being thereof convicted, shall be declared and adjudged to be guilty of felony.

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29. Any moneys, chattels, or other valuable securities which shall or may be received by any officer, clerk, or other person in the service of the Customs, either as duties of Customs, or under or by virtue of any statute, or by the order or direction of the Commissioners of Customs, or in virtue of his office or employment, or otherwise, for the use and service of Her Majesty or of any public department, shall be deemed to be moneys, chattels, or valuable securities for the public service, and shall be considered as such within the meaning of the Act of the twenty-fourth and twenty-fifth Victoria, chapter ninety-six, and in any information, indictment, or other instrument in relation thereto, the same may be laid as the property of Her Majesty.

Certain moneys, &c. deemed within meaning of 24 & 25 Vict. c. 96.

As to disputes between the importers and officers of Customs respecting the duties of Customs.

Disputes between importers and officers.

30. If any dispute shall arise as to the proper rate of duty payable on any goods admissible for home consumption, the importer or consignee, or his agent, shall deposit in the hands of the collector of the Customs at the port of importation the duty demanded by such collector, which shall be deemed and taken to be the proper duty payable, unless an action or suit shall be commenced by the importer within three months after such deposit in one of Her Majesty's courts of law at Westminster, Dublin, or Edinburgh against such collector, to ascertain whether any and what duty is payable on such goods; and, on payment of such deposit, and on the passing of a proper entry for such goods by the importer, consignee, or agent, such collector shall cause delivery thereof.

In case of dispute, importer to deposit the duty, &c. demanded.

On payment of such deposit, &c., importer to have delivery.

31. All such deposits shall be paid by the collector to the general account of the Commissioners of Customs, to be carried by their authority to the Consolidated Fund of the United Kingdom of Great Britain and Ireland; and in case no such action or suit shall be brought, such deposit shall be applied to the use of Her Majesty, in the same manner as if it had been originally paid and received as the duty due on such goods; and in case of such action or suit, if it shall be determined that the duty so deposited was not the

Deposits to be carried to Consolidated Fund.

If no action brought, deposit to be retained as duties.

If action determined

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against the revenue, importer indemnified.

proper duty, but that a less duty was payable, the difference between the deposit and the duty found to be due, or the whole deposit, as the case may require, shall be returned to such importer, with interest thereon after the rate of five pounds per centum per annum for the period during which the sum so paid or returned shall have been deposited; and shall be accepted by such importer in satisfaction of all claims in respect of the importation of such goods and the duty payable thereon, and of all or any damages and expenses incident thereto.

Complaints, &c.

As to complaints, disputes, and inquiries.

Disputes and inquiries in London.

32. If in the port of London any dispute shall arise between any merchants or other persons and any officer of Customs as to the seizure or detention of any ship or goods, or as to any apparently accidental omission, inadvertency, or noncompliance with the laws and regulations relating to the Customs, the Commissioners may determine such dispute as they may deem just, and if they find that penalty or forfeiture has been incurred they may mitigate or remit the same.

Appeal to open court.

33. In case any merchant or other person who shall feel himself aggrieved by the determination of the Commissioners of Customs, or have any complaint against any officer of Customs as to anything done or omitted by him in or about the execution of his duty, the party so aggrieved or complaining shall be desirous of stating his case personally to one of the Commissioners of Customs, he may do so on application to the Board during the official hours of attendance at the Custom House, or if he prefer it, may on application in writing to the Commissioners of Customs, stating therein his grievance or complaint, have the same inquired into by one of the said Commissioners, who shall hear the matter in the presence of the parties, and of any persons interested or desirous of attending; and such Commissioner shall take any evidence on oath which may be tendered on such inquiry, reducing the same into writing in a narrative form, and shall lay the same, with his opinion thereon, before the Commissioners of Customs for their consideration; and such Commissioner shall have the same power and authority for enforcing order during such inquiry as is vested in justices of the peace in petty sessions.

Commissioner to conduct public inquiry.

Power to keep order.

Commissioners to prosecute or decide.

34. The Commissioners of Customs, upon such evidence and opinion, shall, by order under the hands of any two of them, either decide the case, or direct a prosecution if they see fit; and such decision, in case any penalty or forfeiture shall be adjudged

thereby, shall have the same force and effect as a legal conviction for penalties by a justice of the peace; and a copy of such order shall be served upon the person adjudged to pay such penalty or forfeiture, either personally or by post, or by leaving the same at his last known place of abode or business, and in case of non-payment thereof within one week after such service, unless he shall have given notice in writing to the Commissioners of Customs or their solicitor of his refusal to abide by such order, and upon the production of such order to any justice of the peace he shall enforce the same in such manner as justices are empowered by law to enforce penalties lawfully imposed by them; but if such person shall give such notice in writing to the Commissioners of Customs or their solicitor, they may direct such proceedings thereon as they may see fit, or the party against whom such order shall have been made shall have the same remedy by action at law as if no such order had been made.

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Award may be enforced.

35. In case of any such dispute at any of the outports, the like inquiry shall be held by any collector or other person deputed for that purpose by the Commissioners of Customs, in the same manner in all respects, and with the like authority for maintaining order, as herein-before provided with reference to inquiries in the port of London.

Disputes and inquiries at outports.

36. Whenever the Commissioners of Customs shall direct any inquiry as to any matter under their management, or as to the conduct of any person employed therein, such inquiries may be held by the Commissioners for the time being, or by any one or more of them, or by any person deputed by them either specially for holding any particular inquiry or generally for holding such inquiries; and if on any such inquiry the person holding the same shall require the evidence of any witness on oath, he is hereby authorised and empowered to administer such oath; and any witness so sworn who shall give false evidence on such inquiry shall be guilty of perjury, and, on conviction, be liable to the pains and penalties thereof.

Inquiries may be conducted by Commissioners, &c.

Oath may be administered.

Perjury.

37. Upon any such inquiry it shall be lawful for the Commissioners of Customs, or any one of them, or other person so deputed to hold the same, to summon from any part of the United Kingdom any person required as a witness on such inquiry to attend on the hearing thereof, then and there to give evidence upon oath touching the matter of such inquiry, or otherwise in relation thereto; and every person so summoned, having the reasonable expenses of attendance, if required, tendered to him at the time

Power to summon witnesses.

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Penalty.

of service of such summons, who shall neglect to appear in pursuance thereof, or who, having so appeared, shall refuse to be sworn, affirm, give evidence, or answer to the best of his knowledge any question put to him, shall forfeit the sum of five pounds, and in default of payment any justice shall, on production to him of a certificate under the hand of the Commissioner or other person holding such inquiry, that such penalty has been incurred by the party named in such certificate, commit the offender to any prison for a period not exceeding two months.

Regulations for conduct of inquiries.

38. The Commissioners of Customs shall from time to time make such rules and orders for the conduct of such inquiries as they may deem expedient.

IMPORTATION AND WAREHOUSING.

AS TO THE IMPORTATION, PROHIBITION, ENTRY, EXAMINATION, LANDING, AND WAREHOUSING OF GOODS.

Importation and prohibition.

39. It shall be lawful to import into the United Kingdom any goods which are not by this or any law in force at the time of importation thereof prohibited to be so imported, and to warehouse under the laws in force for the warehousing of goods, except as herein-after provided, in warehouses duly approved for the warehousing of goods, without payment of duty on the first entry thereof, any goods subject to duties of Customs the importation and warehousing whereof is not prohibited by any law in force at the time of such importation: Provided always, that the duties on such goods as the Commissioners of the Treasury may from time to time enumerate shall be paid on the first importation thereof, and such goods shall not be warehoused either for home consumption or exportation.

Time of importation of goods and time of arrival of ships defined.

40. If upon the first levying or repealing of any duty, or the first permitting or prohibiting any importation, or at any other time, or for any of the purposes of the Customs Acts, it shall become necessary to determine the precise time at which an importation of any goods shall be deemed to have had effect, such time shall be deemed to be the time at which the ship importing such goods actually came within the limits of the port at which such ship shall in due course be reported and such goods be discharged; and if any question shall arise upon the arrival of any ship in respect of any charge or allowance for such ship, exclusive of cargo, the time of such arrival shall be deemed to be the time at which the report of such ship shall have been or ought to have been made.

Importation direct.

41. No goods shall be deemed to be imported from any particular place unless they be imported direct from such place, and shall have been there laden on board the importing ship, either as the first shipment of such goods, or after the same shall have been actually landed at such place.

Prohibitions and restrictions.

42. The goods enumerated and described in the following table of prohibitions and restrictions inwards are hereby prohibited to be imported or brought into the United Kingdom, save as thereby excepted, and if any goods so enumerated and described shall be imported or brought into the United Kingdom contrary to the prohibitions or restrictions contained therein, such goods shall be forfeited, and may be destroyed or otherwise disposed of as the Commissioners of Customs may direct.

A Table of Prohibitions and Restrictions inwards.

Goods prohibited to be imported.

Table of prohibitions and restrictions.

Books wherein the copyright shall be first subsisting, first composed, or written or printed, in the United Kingdom, and printed or reprinted in any other country, as to which the proprietor of such copyright or his agent shall have given to the Commissioners of Customs a notice in writing, duly declared, that such copyright subsists, such notice also stating when such copyright will expire.

Coin, viz., false money or counterfeit sterling.

Coin, silver, of the realm, or any money purporting to be such, not being of the established standard in weight or fineness.

Extracts, essences, or other concentrations of malt (except sugar, or extract of malt for medicinal purposes only, and fermented liquors specified in the Customs Tariff made from malt), coffee, chicory, tea, or tobacco, or any admixture of the same, except in transit, or to be warehoused for exportation only.

Indecent or obscene prints, paintings, photographs, books, cards, lithographic or other engravings, or any other indecent or obscene articles.

Snuff work.

Tobacco stalks, whether manufactured or not.

Tobacco stalk flour.

Articles of foreign manufacture, and any packages of such articles bearing any names, brand, or mark being or purporting to be the name, brand, or mark of manufacturers resident in the United Kingdom, or any name, brand, or mark which

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states or implies that such articles were manufactured at any place in the United Kingdom.

Any name, brand, or mark which states or implies that any such articles were manufactured at a town or place having the same name as a place in the United Kingdom, shall, unless accompanied by the name of the country in which such place is situate, be deemed for the purposes of this section to state or imply that such articles were manufactured at a place in the United Kingdom.

Clocks and watches, or any other article of metal impressed with any mark or stamp representing or in imitation of any legal British assay, mark, or stamp, or purporting by any mark or appearance to be of the manufacture of the United Kingdom.

Infected cattle, sheep, or other animals, or the carcasses thereof, and hides, skins, horns, hoofs, or any other part of cattle or other animals, which the Privy Council may, by order, prohibit in order to prevent the dissemination of any contagious distemper.

Spirits (not being cordials, or perfumed or medicinal spirits), unless in ships of forty tons burden at least, and in casks or other vessels capable of containing liquids, each of such casks or other vessels being of the size or content of twenty gallons at the least, and duly reported, or unless in glass or stone bottles, properly packed in cases, and forming part of the cargo of the importing ship and duly reported.

Tobacco, cigars, cigarillos or cigarettes, and snuff, unless into ports approved by the Commissioners of Customs for the importation and warehousing thereof, nor unless in ships of not less than one hundred and twenty tons burden, nor unless in whole and complete packages each containing not less than eighty pounds net weight of tobacco or cigars or snuff, or eighty pounds net weight of cigarillos or cigarettes including the papers forming the covering of each cigarillo or cigarette.

Tobacco, sweetened (whether manufactured or unmanufactured), except as otherwise specially provided for by this or any other Act relating to the Customs.

Wine, except into such ports as may be approved for the importation thereof by the Commissioners of Customs.

Arms, &c. may be prohibited.

43. The importation of arms, ammunition, gunpowder, or any other goods may be prohibited by proclamation or Order in Council.

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IMPORTATION AND WAREHOUSING.

Lists of prohibited books to be exposed at Custom Houses.

44. The Commissioners of Customs shall cause to be made, and to be publicly exposed at the Custom Houses in the several ports in the United Kingdom, lists of all books wherein the copyright shall be subsisting, and as to which the proprietor of such copyright, or his agent, shall have given notice in writing to the said Commissioners that such copyright exists, stating in such notice when such copyright expires, accompanied by a declaration made and subscribed before a collector of Customs or a justice of the peace, that the contents of such notice are true.

Persons complaining of prohibition of books in copyright lists may appeal to a judge in chambers.

45. If any person shall have cause to complain of the insertion of any book in such lists, it shall be lawful for any judge at chambers, on the application of the person so complaining, to issue a summons, calling upon the person upon whose notice such book shall have been so inserted to appear before any such judge, at a time to be appointed in such summons, to show cause why such book shall not be expunged from such lists, and any such judge shall at the time so appointed proceed to hear and determine upon the matter of such summons, and make his order thereon in writing; and upon service of such order, or a certified copy thereof, upon the Commissioners of Customs or their secretary for the time being, the said Commissioners shall expunge such book from the list, or retain the same therein, according to the tenor of such order; and in case such book shall be expunged from such lists, the importation thereof shall not be deemed to be prohibited. If at the time appointed in any such summons the person so summoned shall not appear before such judge, then upon proof by affidavit that such summons, or a true copy thereof, has been personally served upon the person so summoned, or sent to him by post to or left at his last known place of abode or business, any such judge may proceed ex parte to hear and determine the matter; but if either party be dissatisfied with such order, he may apply to a superior court to review such decision and to make such further order thereon as the court may see fit: Provided always, that nothing herein contained shall affect any proceeding at law or in equity which any party aggrieved by reason of the insertion of any book pursuant to any such notice, or the removal of any book from such list pursuant to any such order, or by reason of any false declaration under this Act, might or would otherwise have against any party giving such notice, or obtaining such order, or making such false declaration.

Nothing to prevent persons aggrieved from proceeding at law, &c.

IMPORTATION AND WAREHOUSING.

Vessels arriving to come quickly to place of unlading, and bring to at the stations for boarding officers.

Accommodation of officers on board.

Penalty 20*l.*

46. If any ship arriving at any port or place in the United Kingdom or the Channel Islands shall not come as quickly up to the proper place of mooring or unlading as the nature of the port or place will admit, without touching at any other place, and in proceeding to such proper place shall not bring to at the stations appointed by the Commissioners of Customs for the boarding of ships, or if after arrival at such place such ship shall remove therefrom, except directly to some other proper place of mooring or unlading, and with the knowledge of the proper officer of the Customs, or if the master of any ship on board of which any officer is stationed neglect or refuse to provide every such officer sufficient room and accommodation under the deck for his bed or hammock, the master of such ship shall forfeit the sum of twenty pounds.

Officers to board ships.

To have free access to all parts.

May seal or secure goods and open locks.

Goods concealed, forfeited.

If seal, &c. broken, master to forfeit 100*l.*

Officers may put seals upon stores inwards.

If such seals be broken, or the stores secretly conveyed away, master to forfeit 20*l.*

47. The proper officers of the Customs may board any ship arriving at any port in the United Kingdom or the Channel Islands, and stay on board until all the goods laden therein shall be duly delivered therefrom, or until her departure, and shall have free access to every part thereof, with power to fasten down hatchways or entrances to the hold, and to mark any goods before landing, and to lock up, seal, mark, or otherwise secure any goods on board such ship; and if any place or any box or chest be locked, and the keys be withheld, any examining or superior officer may open any such place, box, or chest in the best manner in his power; and if any goods be found concealed on board any such ship they shall be forfeited; and if the officers shall place any lock, mark, or seal upon any goods on board, or on any place or package in which the same may be, and such lock, mark, or seal be wilfully opened, altered, or broken before due delivery of such goods, or if any of such goods be secretly conveyed away, or if the hatchways or entrances to the hold, after having been fastened down by the officer, be opened, the master of such ship shall forfeit the sum of one hundred pounds; and if the proper officer of the Customs shall place any lock, mark, or seal upon any stores or upon any place or package in which the same may be on board any ship or vessel arriving in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if any such stores be secretly conveyed away, either while the ship remains in the port at which she shall have so arrived, or at any other port in the United Kingdom to which she may then be about to proceed, the master of such ship shall forfeit the sum of twenty pounds.

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Time and place of landing goods inwards.

48. No goods, except diamonds, bullion, lobsters, and fresh fish of British taking and imported in British ships, which may be landed without report or entry, shall be unshipped from any ship arriving from parts beyond the seas, or be landed or put on shore, on Sundays or holidays, except by special permission of the Commissioners of Customs, nor shall they be so unshipped, landed, or put on shore on any other days, except between the hours of eight o'clock in the morning and four o'clock in the afternoon from the first day of March until the first day of November, and between the hours of nine o'clock in the morning and four o'clock in the afternoon from the first day of November until the first day of March, or during such other hours as may be appointed by the Commissioners of Customs; nor shall any goods be unshipped or landed unless in the presence or with the authority of the proper officer of the Customs; nor shall any goods entered to be warehoused or liable to any duties of Customs or Inland Revenue be so landed except at some legal quay, wharf, or other place duly appointed for the landing or unshipping of goods; nor shall any such goods, after having been unshipped or put into any boat or craft to be landed, be transhipped or removed into any other boat or craft previously to their being landed, without the permission of the proper officer of the Customs; and if any such goods shall be unshipped, landed, transhipped, or removed contrary hereto, the same shall be forfeited; and if any goods shall be unshipped or removed from any importing ship for the purpose of being landed after due entry thereof, such goods shall be forthwith removed to and landed at the wharf, quay, or other place at which the same are intended to be landed; and if such goods are not so removed and landed the same shall be forfeited, together with the barge, lighter, boat, or other vessel employed in removing the same.

Goods unshipped contrary to regulations, forfeited.

Goods not forthwith removed and landed, forfeited.

Account of bullion or coin to be delivered to the officers of Customs.

49. If the importer, owner, or consignee of any bullion or coin, not being small parcels forming part of the baggage of passengers imported into Great Britain or Ireland, shall not, within ten days after the landing thereof, deliver to the collector or other proper officer of Customs a full and true account thereof, including its weight and value, he shall forfeit a sum of twenty pounds.

Report of Cargo.

As to report of cargo.

Master to report within 24 hours after arrival, according to Form No. 1. in Schedule B.

50. The master of every ship, whether laden or in ballast, shall, within twenty-four hours after arrival from parts beyond the seas at any port in the United Kingdom, make due report of such ship to the collector or other proper officer in the form No. 1 in

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Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such report, except where otherwise specially allowed or provided for by their order or at ports where goods may be landed into transit sheds, shall be made before bulk be broken.

On failure, master to forfeit 100*l*. Goods not reported may be detained.

51. If such master shall fail to make due report, or if the particulars or any of them contained in such report be false, he shall forfeit the sum of one hundred pounds; and all goods not duly reported may be detained by any officer of Customs until so reported or the omission explained to the satisfaction of the Commissioners of Customs, and may in the meantime be removed to the Queen's warehouse.

Commissioned ships, British or foreign, having goods on board, persons in charge to deliver an account or forfeit 100*l*.

52. The captain or other officer having the charge of any ship (having commission from Her Majesty or from any foreign state), having on board any goods laden in parts beyond the seas, shall, on arrival at any port in the United Kingdom, and before any part of such goods be taken out of such ship, or when called upon so to do by any officer of the Customs, deliver an account in writing under his hand to the best of his knowledge of the quality and quantity of every package or parcel of such goods, and of the marks and numbers thereon, and of the names of the respective shippers and consignees of the same, and shall make and subscribe a declaration at the foot of such account declaring to the truth thereof, and shall also truly answer to the collector or other proper officer such questions concerning such goods as shall be required of him, and on failure thereof such captain or other officer shall forfeit the sum of one hundred pounds; and all such ships shall be liable to such searches as merchant ships are liable to, and the officers of the Customs may freely enter and go on board all such ships, and bring from thence on shore into the Queen's warehouse any goods found on board any such ship as aforesaid, subject nevertheless to such regulations in respect to ships of war belonging to Her Majesty as shall from time to time be directed in that respect by the Commissioners of Her Majesty's Treasury.

Such ships liable to search.

Master to answer questions.

53. The master of every ship arriving from parts beyond the seas shall at the time of making report answer all such questions relating to the ship, cargo, crew, and voyage as shall be put to him by the collector or other proper officer; and if he refuses to answer or does not answer truly, or if after the arrival within four leagues of the coast of the United Kingdom bulk shall be broken, or any alteration made in the stowage of the cargo of such ship so as to

Bulk not to be broken or stowage altered.

facilitate the unlading of any part of such cargo before report of such ship and cargo, or if any part be staved, destroyed, or thrown overboard, or any package be opened, unless cause be shown to the satisfaction of the Commissioners of Customs, in every such case the master shall forfeit the sum of one hundred pounds.

Penalty 100*l.*

54. If the contents of any package intended for exportation in the same ship shall be reported by the master as being unknown to him, the officers of the Customs may open and examine such package on board such ship, or bring the same to the Queen's warehouse for that purpose; and if there be found therein any goods which are prohibited to be imported such goods shall be forfeited, unless the Commissioners of Customs shall permit them to be exported.

Packages reported "Contents unknown" may be opened and examined.

Prohibited goods forfeited.

As to the entry of dutiable goods for home use.

Entry for home use.

55. The importer of any goods liable to duties of Customs and intended to be delivered for home use on the landing thereof from the importing ship, or his agent, shall before unshipment thereof make perfect entry of such goods by delivering to the collector or other proper officer an entry thereof in the form No. 2 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Particulars of entry according to Form No. 2. in Schedule B.

56. The importer of any goods or his agent shall immediately upon the entry thereof by him for home use pay down any duties which may be payable thereon to the collector or other proper officer appointed to receive the same; and the entry, when signed by such collector or officer, shall be the warrant for the landing and delivery of such goods, and shall be transmitted to the proper officer of Customs for that purpose.

Payment of duties.

Warrant for delivery.

As to the entry of goods intended to be warehoused without payment of duty on first entry thereof.

Entry for warehousing.

57. The importer of any goods intended to be warehoused without payment of duty on the first entry thereof, or his agent, shall deliver to the collector or other officer authorised to receive the same a bill of entry in the form No. 3 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such bill of entry, when signed by such collector or officer, shall be transmitted to the proper officer of

Particulars of entry according to Form No. 3. in Schedule B.

Warrant for warehousing.

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Entry for home consumption.

Customs, and be the warrant for the due warehousing of such goods; and upon the entry of any warehoused goods for home consumption form No. 2 may be used, with the addition of the date of warehousing.

Entry by bill of sight, &c.

As to the entry of goods landed for examination by bill of sight and perfecting entry thereof.

Entry by bill of sight when goods not known.

58. The importer of any goods, or his agent, if unable for want of full information to make a perfect entry of such goods, on making and subscribing a declaration to that effect before the collector or other proper officer, may make an entry by bill of sight for the packages or parcels of such goods in the form No. 4 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Form No. 4.

Warrant for landing.

Before delivery, importer to make perfect entry.

59. Such entry being delivered to the collector or other proper officer, and signed by him, shall be the warrant for provisionally landing such goods to be examined by such importer in presence of the proper officers; and the importer shall, within three days or such further time as the Commissioners of Customs shall see fit after the landing thereof and before the same shall be delivered, make full and perfect entry thereof by endorsing upon such bill of sight such particulars of such goods as are herein required on making perfect entry of goods, whether for payment of duty, or for warehousing, or for delivery free of duty, as the case may be, and to such endorsement he shall affix the date thereof, together with his signature and place of abode; and such endorsement, when countersigned by the collector or other proper officer, shall be taken as the perfect entry for such goods.

Goods entered by bill of sight not to be delivered unless duty is paid or deposited.

60. Where an entry for the landing and examination of goods for delivery on payment of duty shall be made by bill of sight, such goods shall not be delivered until perfect entry thereof shall have been made and the duties due thereon paid, unless the importer or his agent shall have deposited with the proper officer of the Customs a sum of money sufficient in amount to cover the duties payable thereon; and if the sum deposited on a bill of sight shall not be equal in amount to the duties payable upon all the goods contained in any single package landed or examined thereby, no part shall be delivered until a perfect entry is made and the duties paid or deposited for the whole of the goods contained in such package.

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Goods to be taken to Queen's warehouse in default of perfect entry and sold in default of such entry within one month after landing.

61. If full and perfect entry of any goods landed by bill of sight as aforesaid be not made within three days after the landing thereof, or within such further time as the Commissioners of Customs may see fit, such goods shall be taken to the Queen's warehouse by the officers of the Customs; and if the importer shall not within one month after such landing make perfect entry of such goods, and pay the duties thereon or on such parts thereof as can be entered for home use, together with the charges of removal and of warehouse rent, such goods shall be sold for the payment of such duties and charges (or for exportation if they be such as cannot be entered for home use or shall not be worth the duties), and the overplus, if any, after payment of such duties and charges, or the charges if sold for exportation, shall be paid to the importer or proprietor thereof: Provided always, that if any entry at any time made as and for a full and perfect entry for goods provisionally landed by bill of sight or deposited in the Queen's warehouse as aforesaid shall not be made in manner herein required for the due landing of the goods, the same shall be deemed to be goods landed without entry.

Entry not valid unless in manner required by law.

Goods entered for warehouse may upon further entry be delivered for home use or exportation.

62. If after any goods shall have been duly entered and landed to be warehoused, though not actually deposited in the warehouse, the importer shall further duly enter the same or any part thereof for home use or exportation, the same may be delivered and taken for home use or exportation, as the case may be.

Entry of British goods returned.

British goods returned to be deemed foreign.

As to the entry of British goods brought back.

63. All British goods brought back into the United Kingdom, being of such a kind or description as, if foreign, would be liable to any duty of Customs on importation, shall be deemed to be foreign, and liable to the same duties, rules, regulations, and restrictions as foreign goods of the like kind or description, unless the same shall be brought back within five years from the time of the exportation thereof, and it shall be proved to the satisfaction of the Commissioners of Customs that they are British goods returned, in which case the same may be entered by bill of store, containing such particulars and in such manner and form as the said Commissioners may direct, and be delivered free of duty: Provided always, that all goods brought into the United Kingdom for which any drawback of Excise or Customs might have been received on exportation shall be deemed and treated as foreign, unless admitted to entry by special permission of the Commissioners of Customs, and on repayment of such drawback; and all foreign goods on re-importation into the United Kingdom, whether they shall have paid duty

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on their first importation or not, shall be liable to the same duties, rules, regulations, and restrictions as if then imported for the first time; provided also, that if any British goods brought into the United Kingdom bear the name, brand, or mark of any British manufacturer, the same shall, either by bill of store or by and with the consent in writing of the proprietor of such name, brand, or mark, or his legal representative, or on proof to the satisfaction of the Commissioners of Customs, by declaration of the importer that such goods are of British manufacture, be admitted to entry as British.

Entry of free goods.

As to the entry of goods free of duly.

Particulars of entry according to Form No. 5. in Schedule B.

Warrant for delivery.

Account of free goods.

64. The importer of any goods not subject to duties of Customs, or his agent, shall deliver to the collector or other proper officer an entry of such goods in the form No. 5 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct; and such entry, when signed by the collector or other proper officer, shall be transmitted to the examining officer, and be his warrant for the delivery of the goods mentioned therein, and if such entry shall be incorrect in any particular, the importer or his agent shall within fourteen days after the landing of the goods deliver to the proper officer of Customs a full and accurate account thereof.

Entries generally.

As to entries of goods in any of the foregoing cases.

Bill of entry to be in duplicate.

65. Upon the entry of any goods, the importer, his agent, or the consignee of the ship, as the case may be, shall deliver two or more duplicates of their entry thereof, as the case may require, in which duplicates all sums and numbers may be expressed in figures; and the number of duplicates shall be such as the collector or other proper officer may require; and the importer or his agent shall produce to such officer, if required by him, the invoice, bills of lading, and other documents relating to the goods.

Goods concealed in packages or delivered without entry, forfeited.

Passengers baggage.

66. If any goods or other things shall be found concealed in any way or packed in any package or parcel to deceive the officers, such package or parcel, and all the contents thereof, shall be forfeited; and if any goods be taken or delivered out of any ship or out of any warehouse, not having been duly entered, the same shall be forfeited: Provided always, that no entry shall be required in respect of the baggage of passengers, which may be examined, landed, and delivered under such regulations as the Commissioners of Customs may direct, but if any prohibited or uncustomed goods shall be found concealed therein, either before or

after landing, the same shall be forfeited, together with everything packed therewith.

Penalty on fraudulent import entries and concealments.

67. If any person shall import, or cause to be imported, goods of one denomination concealed in packages of goods of any other denomination, or any package containing goods not corresponding with the entry thereof, or shall directly or indirectly import or cause to be imported or entered any package of goods as of one denomination which shall afterwards be discovered, either before or after delivery thereof, to contain other goods or goods subject to a higher rate or other amount of duty than those of the denomination by which such package or the goods in such package were entered, such package, and the goods therein, shall be forfeited, and such person shall forfeit for every such offence a penalty of one hundred pounds, or treble the value of the goods contained in such package, at the election of the Commissioners of Customs.

Surplus stores not excessive may be entered for private use or warehouse.

68. The proper officer may permit surplus stores, not being merchandise, nor by him deemed excessive, to be entered for private use under and subject to the same duties, rules, and regulations as the like sort of goods would be subject to on importation as merchandise, or permit any surplus stores to be entered and warehoused for future use as ship's stores, although the same could not be legally imported by way of merchandise.

Agent to produce authority, if required.

69. Whenever any person shall make application to any officer of the Customs to transact any business on behalf of any other person, such officer may require of the person so applying to produce a written authority from the person on whose behalf such application shall be made, and in default of the production of such authority refuse to transact such business.

Officers may take samples.

70. The officers of Customs may on the entry of any goods, or at any time afterwards, take samples of such goods for examination, or for ascertaining the duties payable on such goods, or for such other purpose as the Commissioners of Customs may deem necessary, and such samples shall be disposed of and accounted for in such manner as the Commissioners of Customs may direct.

No entry, &c. valid unless in accordance with Acts.

71. No entry or warrant for the landing of any goods shall be deemed valid unless made in accordance with the provisions of the Customs Acts.

Importer or agent failing to comply with regulations to forfeit 20*l.*

72. Every importer, agent, or other person entering any goods who shall fail to comply with the foregoing regulations, so far as they are respectively applicable to the goods entered by him, shall

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forfeit a sum not exceeding twenty pounds, and such goods shall be liable to forfeiture.

Entry, time for.

As to the time within which goods shall be entered and landed after the arrival of the importing ship.

Goods not entered within fourteen days may be conveyed to Queen's warehouse.

73. If the importer of any goods shall not, within fourteen days (exclusive of Sundays and holidays) after the arrival of the ship importing the same, make perfect entry or entry by bill of sight of such goods, or if, having made such entry, he shall not land such goods within such fourteen days or within such further period as the Commissioners of Customs shall direct, the officers of the Customs may convey such goods to the Queen's warehouse; and whenever the cargo of any ship shall have been discharged within such fourteen days with the exception only of a small quantity of goods, the officers of the Customs may forthwith deposit such remaining goods in the Queen's warehouse; and also at any time after the arrival of such ship may deposit any small packages or parcels of goods therefrom in the Queen's warehouse, there to remain for due entry during the remainder of such fourteen days, except as herein-after mentioned; and if any goods so deposited in the Queen's warehouse being of a perishable nature shall not be cleared forthwith, or not being of a perishable nature shall not be cleared within three months after such deposit, or within such further period as the Commissioners may direct, and all charges of removal, freight, and warehouse rent be not paid, such goods may be sold, and the produce thereof paid in discharge of duties, freight, and charges, and the overplus, if any, to the proprietor of the goods on his application for the same; and in case such goods cannot be sold for a sufficient sum to pay the duties and charges, if ordered for sale for home consumption, or the charges if for exportation, the same may, by direction of the Commissioners of Customs, be destroyed; and any officer of Customs having the custody of any goods which shall have come to his hands under the Customs Acts, may refuse delivery thereof from the Queen's warehouse or other place of deposit until proof be given to his satisfaction that the freight due upon such goods has been paid: Provided that if the importing ship and goods be liable to the performance of quarantine the time for entry and landing of such goods shall be computed from the time at which such ship and goods shall have been released from quarantine.

Small packages or quantities of goods may be deposited in Queen's warehouse.

If duties and charges on such goods be not paid within three months, the goods may be sold.

Lien for freight payable before delivery of goods from Queen's warehouse.

Combustibles not to be deposited in Queen's warehouse.

74. No goods of a combustible or inflammable nature shall be brought into or deposited in the Queen's warehouse unless with the

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sanction of the Commissioners of Customs; and if any such goods shall be landed by the officers of Customs under the provisions of the Customs Acts, the same may be deposited in any other available place that such officers may deem fit, and whilst so deposited the same shall be deemed to be in the Queen's warehouse, and be liable to be dealt with, at the expiration of fourteen days, in the same manner as goods of a perishable nature actually deposited in the Queen's warehouse, unless duly cleared or warehoused in some approved warehouse in the meantime; and such goods shall be chargeable with such expenses for securing, watching, and guarding the same until sold, cleared, or warehoused as aforesaid, as the Commissioners shall see fit, and neither the said Commissioners nor their officers shall be liable to make good any damage which such goods may sustain by reason or during the time of their being so deposited and dealt with as aforesaid.

If goods remain on board importing ship beyond fourteen days, such ship may be detained for expenses.

75. Whenever any goods shall remain on board any importing ship beyond the period of fourteen days after the arrival of such ship, or beyond such further period as the Commissioners of Customs may allow, such ship shall be detained by the proper officer of Customs until all expenses of watching or guarding such goods beyond such fourteen days, or such further time, if any, allowed as aforesaid, not exceeding five shillings per diem, and of removing the goods, or any of them, to the Queen's warehouse, in case the officers shall so remove them, be paid, and the like charge per diem shall be made in respect of any derelict or other ship coming, driven, or brought into the United Kingdom under legal process, by stress of weather, or for safety, when it is necessary to station any officer of Customs in charge, either on board thereof or otherwise, for the protection of the revenue, so long as the officer shall so remain.

Unshipping, landing, and examination.

As to the unshipping, landing, examination, warehousing, and custody of goods.

Unshipping, carrying, landing, weighing, &c., and depositing of goods, to be done at the expense of the importer.

76. The unshipping, carrying, and landing of all goods, and bringing them to the proper place for examination and weighing, putting them into the scales, opening, unpacking, repacking, bulking, sorting, lotting, marking, and numbering, where such operations respectively are necessary or permitted, and removing to and placing them in the proper place of deposit until duly delivered, shall be performed by or at the expense of the importer.

Proper officer of Customs to take ac-

77. Upon the entry and landing of any goods to be warehoused, or within such period as the Commissioners of Customs shall direct

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count of goods for warehouse.

Contents of packages to be marked thereon, and entered in landing book.

with respect to the same or any of them, the proper officer of Customs shall take a particular account of such goods at the quay or wharf at which they shall be so landed, or in the warehouse of the port of arrival, if they be goods of which the account is permitted to be taken in the warehouse, or in the warehouse of any other port to which they may be consigned and allowed to be removed by the authority of the Lords Commissioners of the Treasury or the Commissioners of Customs, and shall cause to be marked on each package of which such account shall be taken the contents thereof, and shall enter in a book prepared for that purpose, containing the name of the import ship and of the person in whose name they are entered, the marks, numbers, and contents of each such package, the description of the goods, and the warehouse or place in the warehouse in which the same shall be deposited, and when the same shall have been so deposited with the authority of such officer he shall certify that the entry and warehousing of such goods is complete, and such goods shall from that time be considered goods duly warehoused; and if any such goods shall be delivered, withheld, or removed from the proper place of examination before the same shall have been examined and certified by such officer, such goods shall be deemed to be goods not duly entered or warehoused, and shall be forfeited.

Goods to be entered and duties ascertained and paid according to landing account.

78. The account of the goods so taken as aforesaid shall be the account upon which the duties payable upon such goods shall be ascertained when the same shall ultimately come to be delivered upon due entry for that purpose, and the same shall be entered and the full duties due thereon be paid according to the quantity taken in such account, without any abatement for any deficiency, except as herein-after provided.

Warehoused goods to be deposited in original packages or those of which account is taken.

Goods altered or removed without sanction of officers, forfeited.

79. All goods warehoused shall be deposited in the packages in which the same shall have been imported, except such goods as are permitted to be skipped on the quay, or bulked, sorted, lotted, packed, or repacked in the warehouse after the landing thereof, in which case they shall be deposited in the packages in which the same shall be when the account thereof is taken by the proper officer; and if such goods are not so deposited, or if any alteration shall afterwards be made in the goods or packages so deposited, or in the packing thereof in the warehouse, or in the marks and numbers of such packages, or if the same shall be removed from the room in the warehouse in which the same are deposited, without the presence and sanction of the proper officers, except for

delivery under the proper warrant, order, or authority for that purpose, such goods and packages shall be forfeited.

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80. The Commissioners of Customs may direct what goods may be skipped on the quay, or be bulked, sorted, lotted, packed, or repacked, and determine in respect of what goods the account may be taken in any warehouse approved by them for that purpose, and within what time after the landing thereof, and on such conditions as they may deem necessary.

Commissioners to direct what goods may be bulked, sorted, packed, &c.

81. If the occupier of any warehouse shall neglect to stow the goods warehoused therein so that easy access may be had to every package and parcel thereof, he shall for every such neglect forfeit the sum of five pounds.

Warehouse keeper neglecting to stow goods properly to forfeit 5*l.*

82. If the occupier of any warehouse shall not produce to any officer of Customs on his request any goods deposited in such warehouse which shall not have been duly cleared and delivered therefrom, such occupier shall for every such neglect forfeit the sum of five pounds in respect of every package or parcel not so produced, besides the duties due thereon.

Warehouse keeper neglecting to produce goods deposited when required to forfeit 5*l.*

83. If any goods entered to be warehoused shall not be duly warehoused in pursuance of such entry, or being duly warehoused shall be in any way concealed in or removed from the warehouse, or abstracted from any package, or transferred from one package to another, or otherwise, for the purpose of illegal mixing, removal, or concealment, they shall be forfeited.

Goods not duly warehoused, or fraudulently concealed or removed, forfeited.

84. If any person shall clandestinely open any warehouse, or, except in the presence of the proper officer of Customs acting in the execution of his duty, gain access to the goods therein, he shall for every such offence forfeit the sum of one hundred pounds.

Persons clandestinely opening warehouse, &c. to forfeit 100*l.*

85. If any goods shall be taken out of any warehouse without due entry, the occupier of such warehouse shall forthwith pay the duties due upon such goods; and every person taking out any goods from any warehouse without payment of duty, or who shall aid, assist, or be concerned therein, and every person who shall destroy or embezzle any goods duly warehoused, shall be deemed guilty of a misdemeanor, and shall, upon conviction, suffer the punishment by law inflicted in cases of misdemeanor; but if such person shall be an officer of Customs or Excise not acting in the due execution of his duty and shall be prosecuted to conviction by the importer, consignee, or proprietor of such goods, no duty shall be payable for or in respect of such goods, and the damage occa-

Who liable for goods taken out of warehouse without entry.

Taking goods out of warehouse, &c. to be deemed a misdemeanor

Importer or consignee, if defrauded by officers, to be indemnified.

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sioned by such destruction or embezzlement shall, with the sanction of the Commissioners of the Treasury, be repaid or made good to such importer, consignee, or proprietor by the Commissioners of Customs.

If goods be damaged by fire, &c., the importer not entitled to compensation.

86. No compensation shall be made by the Commissioners of Customs to any importer, proprietor, or consignee of any goods by reason of any damage occasioned thereto in the warehouse by fire or other inevitable accident.

Commissioners of Customs may remit duties on warehoused goods lost or destroyed.

87. If any goods warehoused or entered to be warehoused, or entered to be delivered from the warehouse, shall be lost or destroyed by unavoidable accident, either on ship board or in removing, landing, or receiving into the warehouse, or in the warehouse, the Commissioners of Customs may remit or return the duties due or paid thereon.

Removal.

As to the removal of warehoused goods.

Goods may be removed from one warehousing port to another, or from one warehouse to another in the same port.

Regulations for removal.

88. Any goods warehoused at any port in the United Kingdom may be removed by sea or by inland carriage to any other port in which the like kind of goods may be warehoused to be re-warehoused at such other port, and again as often as may be required at any other such port to be there re-warehoused, or, with the permission of the proper officers of Customs, from any warehouse in any port to any other warehouse in the same port, under such regulations and with such security as the Commissioners of Customs may direct, on the delivery to the proper officer by the person requiring such removal of a request note, stating the particulars of the goods required to be removed, the name of the port, or of the warehouse if in the same port, to which the same are intended to be removed, and with such other information and in such manner and form as the Commissioners of Customs or the proper officer may direct or require.

Officers at port of removal to transmit account of goods to officers at port of destination.

Remover to give bond in the amount of duty.

Bond may be given either

89. On the delivery of any goods for removal, an account, containing the particulars thereof, shall be transmitted by the proper officer of the port of removal to the proper officer of the port or place of destination, and the person requiring the removal thereof shall enter into bond, with one sufficient surety, in a sum equal at least to the duty chargeable on such goods, for the due arrival and re-warehousing thereof at the port or place of destination within such time as the Commissioners of Customs may direct, such bond to be taken by the collector or other proper officer, either of the port or place of removal or the port or place of destination

as shall best suit the residence or convenience of the parties interested in such removal; and if such bond shall have been given at the intended port or place of destination, a certificate thereof, under the hand of the collector or other proper officer of such port, shall, at the time of the entering of such goods, be produced to the collector or other proper officer of the port of removal; and such bond shall not be discharged unless such goods shall have been produced to the proper officer and duly re-warehoused at the port of destination, or unless the full duties of Customs shall have been paid thereon within forty-eight hours after the arrival thereof, but in no case later than the time allowed for such removal, or shall have been otherwise accounted for to the satisfaction of the Commissioners of Customs, nor until the full duties due upon any deficiency of such goods not so accounted for shall have been paid; but any remover may enter into general bond, with such sureties, in such amount, and under such conditions as the Commissioners of Customs may approve, for the removal from time to time of any goods from one warehouse to another, and for the due arrival and re-warehousing of the same at the place of destination, within such time or times as the said Commissioners may direct.

at port of removal or port of destination.

Bond how to be discharged.

General removal bond may be given.

90. Upon the arrival of such goods at the port or place of destination, the same shall be entered and warehoused in the same manner, and under and subject to the same laws, rules, and regulations, so far as the same are or can be made applicable, as are required on the entry and warehousing of goods on the first importation thereof.

Goods, on arrival at the port of destination, to be subject to same regulations as goods on first importation.

91. If upon the arrival of goods so removed as aforesaid at the port of destination the parties shall be desirous forthwith to export the same, or to pay duty thereon for home use, without actually lodging the same in the warehouse for which they have been entered and examined to be re-warehoused, the officers of Customs at such port may permit the same to be entered and delivered for home use upon payment of the duties due thereon, or, after all the formalities of entering and examining such goods for re-warehousing have been duly performed, to be entered and shipped for exportation, as if such goods had been actually lodged in such warehouse; and all goods so exported, or for which the duties have been so paid, shall be deemed to have been duly cleared from the warehouse.

On arrival of goods at port of destination they may, after formal re-warehousing, be entered for exportation or for home use on payment of duties.

92. All warehoused goods shall be cleared either for home use or exportation at the expiration of five years from the day on which the same were so warehoused, or within such further period and

Warehoused goods, if not cleared for home use or

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exportation within five years, must be re-warehoused.

Duties on deficiencies and expense of examination to be paid down.

in such cases as the Commissioners of the Treasury shall direct, unless the owner or proprietor of such goods shall be desirous of re-warehousing the same, in which case the same shall be examined by the proper officers, and the duties due upon any deficiency or difference between the quantity ascertained on landing and the quantity found to exist on such examination, together with the necessary expense attendant thereon, shall, subject to such allowances as are by law permitted in respect thereof, be paid down, and the quantity so found shall be re-warehoused in the name of the then owner or proprietor thereof in the same manner as on first importation; provided that if the owner or proprietor shall, with the concurrence of the warehouse keeper, desire to warehouse the same according to the account taken at the landing thereof, without re-examination, such re-examination may be dispensed with, the officers being satisfied that the same are still in the warehouse and that there is no reason to suspect that there is any undue deficiency; but the warehouse keeper shall be liable to make good the duty on any deficiency not allowed by law which may be discovered in the goods at the time of delivery thereof.

Goods in warehouse not cleared or re-warehoused, or duties paid on deficiencies after five years, to be sold.

Proceeds of sale how to be applied.

Goods not worth the duty may be exported or destroyed.

93. If any warehoused goods shall not be duly cleared, exported, or re-warehoused, and the duties ascertained to be due on the deficiencies as aforesaid shall not be paid down at the expiration of five years from the previous entry and warehousing thereof, or within such further period as shall be directed as aforesaid, the same shall, after one month's notice to the warehouse keeper, with all convenient speed be sold by public auction, either for home use, if worth the duty due thereon, or for exportation, with or without the consent of the warehouse keeper, and the proceeds thereof shall be applied to the payment of the duties, warehouse rent, and charges, and the surplus, if any, shall be paid to the owner or proprietor of such goods, if known, but if such owner or proprietor cannot be found, such surplus shall be carried to the Crown's account, to abide the claim of such owner or proprietor on his appearing and making good his claim thereto; and if such goods on being so offered for sale shall not be sold, then the same, after such one month's notice as aforesaid, may be destroyed, with or without the concurrence of the owner thereof or the proprietor of the warehouse in which the same were so warehoused, if the Commissioners of Customs shall see fit; and the duties due upon any deficiency in any warehoused goods not allowed by law shall be forthwith paid by the proprietor of the warehouse.

94. Tobacco abandoned by the importer or proprietor as not worth the duty shall be destroyed within such time and in such manner as the Commissioners of Customs may direct, at the cost and charges of such importer or proprietor.

Tobacco abandoned as not worth the duty to be destroyed.

95. With the sanction of the Commissioners of Customs, and after such notice given by the respective importers or proprietors, and at such times and under such regulations and restrictions as the Commissioners of Customs shall from time to time require and direct, it shall be lawful in the warehouse to sort, separate, pack, and repack any goods, and to make such alterations therein as may be necessary for the preservation, sale, shipment, or disposal thereof, provided that such goods be repacked in the packages in which they were imported, or in such other packages as the Commissioners shall permit (not being less in any case, if the goods be to be exported or to be removed to another warehouse, than is required by law on the importation of such goods); and also to draw off British spirits into bottles for home consumption, or wine or spirits into reputed quart or pint bottles, or bottles or flasks of such smaller size as the Commissioners of Customs may see fit, for exportation only; and to draw off and mix with any wine spirits, not being British flavoured or compounded spirits, and not exceeding the proportion of ten gallons of spirits to one hundred gallons of wine, provided that if the wine so mixed be thereby raised to a greater degree of strength than forty per cent. of such proof spirit, such wine shall not be admitted for home consumption; but wine in bond may be fortified to a greater degree of strength for exportation only, if it appear to the said Commissioners to be necessary for its preservation; and also to fill up any casks of wine or spirits from any other casks of the same respectively secured in the same warehouse; and also to rack off any wine from the lees, and mix any wines of the same sort, erasing from the cask all import brands, unless the whole of the wine so mixed be of the same brand; and also to take such samples of goods as may be allowed by the Commissioners of Customs, with or without entry, and with or without payment of duty, except as the same may eventually become payable as on a deficiency of the original quantity; and after such goods have been so separated and repacked in proper or approved packages, the Commissioners of Customs may, at the request of the importer or proprietor of such goods, cause or permit any refuse, damage, or surplus goods occasioned by such separation or repacking, or, at the like request, any goods which may not be worth the duty, to be destroyed, and may remit the duty payable thereon.

Goods in warehouse may be sorted, repacked, &c.

To be repacked in the original or other legal sized packages.

Wine or spirits may be bottled for exportation only, and wine may be fortified, filled up, or racked off.

Wines may be mixed, and samples taken.

After repacking, damaged parts may be destroyed.

IMPORTATION AND WAREHOUSING.

Goods in warehouses may be taken out under certain regulations and with security for duties.

96. The Commissioners of Customs may permit any goods to be taken out of the warehouse without payment of duty for such purpose and for such period as to them may appear expedient, and in such quantities, and under such regulations and restrictions, and with such security by bond for the due return thereof or the payment of the duties due thereon, as they may direct or require.

As to the entry of warehoused goods for home consumption and exportation, and the delivery thereof.

Entry for home consumption and exportation.

Entry for exportation or home use.

97. No warehoused goods shall be taken or delivered from the warehouse, except upon due entry and under the care of the proper officers, for exportation, or upon due entry and payment of the full duties payable thereon for home use, except goods duly delivered to be shipped as stores, in such quantities as the collector or other proper officer shall allow, and subject to such directions and regulations as the Commissioners of Customs may see fit.

Persons entering warehoused goods for home use to deliver bill of entry and pay down duties.

Duties to be paid according to landing account, except in certain cases.

98. Upon the entry of any goods to be cleared from the warehouse for home use, the person entering such goods shall deliver a bill of entry, and duplicates thereof, in like manner and form, containing the same particulars as are herein-before required on the entry of goods to be delivered for home use on the landing thereof, as far as the same may be applicable, and shall at the same time pay down to the proper officer of the Customs the full duties payable thereon, not being less in amount than according to the account of the quantity taken by the proper officer on the first entry and landing thereof, except as to the following goods, viz., tobacco, wine, spirits, figs, currants, and raisins, the duties whereon, when cleared from the warehouse for home use, shall be chargeable upon the quantity of such goods, ascertained by weight, measure, or strength at the time of actual delivery thereof, unless there is reasonable ground to suppose that any portion of the deficiency or difference between the weight, measure, or strength ascertained on landing and first examination of any such last-mentioned goods and that ascertained at the time of actual delivery has been caused by illegal or improper means, in which case the proper officer of Customs shall make such allowance only for loss as he may consider fairly to have arisen from natural evaporation or other legitimate cause.

Duties on certain goods to be chargeable on ascertained quantity on delivery, unless deficiency has been caused by improper means.

Deficiencies in goods entered for exportation not to be charged with duty unless fraudulent.

99. No duty shall be charged in respect of any deficiency in goods entered and cleared from the warehouse for exportation unless the officers of Customs have reasonable ground to suppose that such deficiency, or any part thereof, has arisen from illegal abstraction.

As to the Exportation, Entry, and Clearance of Ships to Parts beyond the Seas.

Exportation.

Warehoused goods not to be exported in ship of less than forty tons burden.

100. No person shall export any warehoused goods, or goods liable to duties of Customs transhipped, or goods entitled to drawback on exportation, nor shall enter any such goods for exportation from the United Kingdom to parts beyond the seas, in any ship of less burden than forty tons.

Master of Vessels outwards to deliver certificate of clearance of last voyage, and to make entry outwards.

Form No. 6.

101. The master of every ship in which any goods are to be exported from the United Kingdom to parts beyond the seas, or his agent, shall, before any goods be taken on board, except as is hereafter provided, deliver to the collector a certificate from the proper officer of the due clearance inwards or coastwise of such ship of her last voyage, and shall also deliver therewith an entry outwards of such ship, verified by his signature in the form No. 6 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form or manner as the Commissioners of Customs may direct; and if such ship shall have commenced her lading at some other port, the master shall deliver to the proper officer the clearance of such goods from such other port; and if any goods be taken on board any ship at any port before she shall have entered outwards at such port (unless a stiffening order, when necessary, shall be issued by the proper officer to lade any heavy goods for exportation on board such ship), the master shall forfeit the sum of one hundred pounds; provided that, on the arrival at any port in the United Kingdom of any ship about to deliver her cargo at more than one port in the United Kingdom, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to allow the entry outwards of such ship, and to permit the shipment of goods, other than spirits or tobacco, for exportation in such ship to the foreign destination for which such ship shall be entered outwards, before the whole of the goods imported in such ship shall have been discharged therefrom, the complete separation of such goods from the inward cargo being effected to the satisfaction of the collector or other proper officer of the port: Provided also, that on any ship commencing to load goods for exportation to parts beyond the seas not having on board any drawback or other goods liable to duties of customs or excise, and about to proceed to any other port in the United Kingdom to complete her loading, it shall be lawful, subject to such regulations as the Commissioners of Customs may deem necessary, to permit such ship, notwithstanding any provisions to the contrary, to convey goods not entitled to drawback or liable to duties of customs or excise from the port at which such ship shall

Penalty 100*l.*

Shipment of goods for exportation.

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commence loading to any other port or ports in the United Kingdom for delivery there, the complete separation of such goods from the cargo to be exported to be effected to the satisfaction of the collector or other proper officer at the port of shipment.

Goods not to be shipped except on proper days and places, nor until entry and clearance.

102. No warehoused or drawback goods shall be shipped, put off, or water-borne to be shipped for exportation from any port or place in the United Kingdom on Sundays or public holidays, except by special permission of the Commissioners of Customs, nor from any place not being a legal quay, wharf, or other place duly appointed for such purpose, nor without the presence or authority of the proper officer of Customs, nor before due entry outwards of such ship and due entry of such goods, nor before due clearance thereof for shipment; and any such goods shipped, put off, or water-borne to be shipped contrary hereto shall be forfeited; and it shall be lawful for such officers to open and examine all goods shipped or brought for shipment at any place in the United Kingdom, and the opening for that purpose of packages containing such goods, and the weighing, repacking, landing (when water-borne), and the shipping thereof shall be done by or at the expense of the exporter.

Officers may open packages and examine goods.

British and Irish spirits in nine-gallon casks.

103. If any British or Irish spirits shall be exported from Great Britain or Ireland to parts beyond the seas, or be removed to the Isle of Man, or be brought to Great Britain or Ireland, or to any wharf, quay, or other place, or water-borne for that purpose, in casks containing less than nine gallons each of such spirits, the same shall be liable to forfeiture.

As to the entry and clearance of goods for exportation.

On entry outwards, bond for due shipping and landing shall be given.

104. Before any warehoused goods, British-wrought plate, or goods entitled to any drawback of Customs on exportation, or exportable only under particular rules, regulations, or restrictions, shall be permitted to be exported, the exporter or his agent shall deliver to the collector or other proper officer a bond note or account of such goods, and give such security by bond as the Commissioners of Customs shall require, that such goods shall be duly shipped and exported, and shall be landed at the place for which they are entered outwards, within such time as the Commissioners may deem reasonable, or be otherwise accounted for to their satisfaction; and such bond note, when certified by the proper officer, shall be the export entry for the goods enumerated therein, provided that any person desirous of exporting any such goods may, at his option, but subject to such regulations as the Commissioners of Customs may direct, give a general bond, with such security, in such amount, and under such conditions as the said

General bond for exportation may be given.

EXPORTATION.

Commissioners may require, in lieu of separate bond for each exportation, first delivering in each case to the proper officer a notice, in such form as the said Commissioners shall prescribe, containing an account of the particular goods to be exported by him under such general bond in any particular ship; but no such notice, if it relate to goods other than spirits, shall be received and acted upon unless there be attached thereto an adhesive stamp equal in amount or value to the duty which would be payable under any Act relating to stamp duties upon a separate bond, if given for the exportation of the goods contained in such notice.

Notice in each case to be given.

Stamp duty on notice equivalent to duty on separate bond.

105. Before any goods upon which any drawback of Customs on exportation shall be claimed shall be shipped or water-borne to be shipped for exportation, the exporter or his agent shall deliver to the proper officer of Customs a shipping bill, with claim and declaration at the foot thereof, in the form No. 7 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct.

Exporter to deliver shipping bill according to Form No. 7. in Schedule B.

106. If any goods upon which any drawback shall be claimed or allowed be shipped or brought to any quay, wharf, or other place to be shipped for exportation, shall, on examination by the proper officers of Customs, be found not to agree with the entry in the shipping bill or other proper document for allowance of drawback on shipment, or shall be found to be of less value for home use than the amount of the drawback claimed, all such goods, and the package containing the same, with all other the contents therein, shall be forfeited; and the person entering such goods, and claiming the drawback thereon, shall in any and every such case forfeit one hundred pounds, or treble the amount of the drawback claimed, at the election of the Commissioners of Customs.

Drawback goods not agreeing with shipping bill forfeited.

Penalty for claiming more drawback than is due.

107. No drawback of excise shall be allowed upon any goods cleared for exportation, unless the person intending to claim such drawback shall have given due notice to the officer of excise, and shall have produced to the proper officer of Customs, at the time of clearing such goods, a proper document under the hand of the officer of excise, containing the description of such goods; and if such goods be found to correspond with the particulars of the goods contained in such document, and be duly shipped and exported, the proper officer of Customs shall, if required, certify such shipment upon such document, and shall transmit the same to the officer of excise.

Inland revenue drawback.

Notice to officer.

Shipment to be certified.

108. No drawback shall be allowed on any tobacco not wholly manufactured from tobacco on which duty on importation shall

No drawback on tobacco not properly

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manufactured, and penalty for fraudulent attempts to obtain drawbacks.

have been paid, nor on any tobacco mixed with dirt, rubbish, or other substance, except as provided by the Manufactured Tobacco Act, 1863; and every person who shall enter or ship, or cause to be entered or shipped, any tobacco contrary hereto, shall, over and above all other penalties which he may thereby incur, forfeit treble the amount of the drawback sought to be obtained, or two hundred pounds, at the election of the Commissioners of Customs, and all such tobacco and other substances shall be forfeited.

Provisions as to exportation applicable to transhipment and drawback goods.

109. The provisions of the Customs Acts with reference to the exportation of warehoused goods, so far as they are applicable, shall be deemed to apply to and include goods liable to duties of Customs transhipped, and goods exported on drawback.

Specifications for free goods six days after clearance.

Forms Nos. 8 and 9.

110. The exporter of goods for which no bond is required shall (except as herein-after provided), within six days after the final clearance outwards of the exporting ship, or within such other period as the Commissioners of Customs may direct, either by himself or his agent, deliver to the proper officer of Customs at the port of shipment a specification in the form No. 8 or No. 9 in Schedule B. to this Act, according to the nature of the goods, and containing the several particulars indicated in or required thereby, or in such other form and manner as the Commissioners of Customs may direct, and shall subscribe the declaration at the foot thereof, and on the demand of the proper officer of Customs shall produce the invoice bills of lading and other documents relating to the goods to test the accuracy of such specification; and on failure to comply with any of the foregoing requirements, the exporter or agent shall for every such offence forfeit five pounds: Provided always, that no salmon shall be shipped to be exported without previous entry thereof and due compliance with the provisions of the Salmon Fishery Acts for the time being in relation thereto.

Except as to salmon.

Master or owner to deliver manifest of goods shipped.

111. The master or owner of every ship in which any goods shall be exported shall, by himself or his agent, within six days after the final clearance of such ship, deliver to the proper officer of Customs a certificate, if the ship be a steamer trading to a foreign port, of the quantity of coals or fuel shipped for use on the voyage, and a manifest of all the goods shipped, containing the marks and numbers and the number and description of the packages, with the names of the consignors thereof according to the bills of lading relating thereto, and shall make and subscribe a declaration that such manifest contains a true account of all the cargo of such ship, unless a specification comprising all the particulars herein-before

required to be given be delivered to the proper officer of Customs, with a like declaration that the same contains a true account of the whole cargo of the ship; and the master, owner, or agent acting herein and subscribing the declaration, on failure to comply with any of the foregoing requirements relating to the delivery and verification of any specification or manifest, or otherwise incident thereto, shall for every such offence forfeit five pounds.

Goods not exported as per specifications to be notified to proper officer.

112. If any exporter of goods who shall have delivered a specification thereof for exportation in any ship shall fail, in case such goods or any of them shall not be duly shipped, to attend the proper officer of Customs, within six days after the final clearance outwards of such ship, either by himself or his agent, and correct such specification, he shall forfeit five pounds.

Shipping bill signed by export officer to be the clearance for the goods.

113. The shipping bill or bills, when filled up and signed by the exporter or his agent or the consignee of the ship, as the case may be, in such manner as the export officer may require, and countersigned by him, shall be the clearance for all the goods enumerated therein; and if any of such goods shall consist of transhipment goods, the exporter or his agent shall, under a penalty of forty shillings, furnish to the export officer an accurate account thereof, with the marks, numbers, and description of the packages, and the contents thereof, which, when certified by the export officer, shall accompany the ship; and if the exporter or his agent shall require a similar certificate in respect of any goods shipped for exportation the export officer shall, on its being presented to him for that purpose, certify the same.

Licensed lighterman to carry goods.

114. If any goods cleared for drawback or from the warehouse shall be carried or water-borne to be put on board any ship for exportation by any person not at the time duly licensed and authorised to act as a licensed lighterman, either in the port of London or any other port at which lightermen are required to be so licensed, or by any person not being in the employ of such lighterman at the time duly authorised to act as such, every such person shall for every such offence forfeit the sum of twenty pounds.

Warehoused goods removed or shipped for exportation without authority, forfeited.

115. If any goods taken from the warehouse for removal or for exportation shall be removed or shipped, except with the authority or under the care of the proper officer of Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall permit or direct, such goods shall be forfeited; and if any such goods shall be illegally removed or carried away from any carriage, cart, boat, lighter, quay, wharf, or other

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place prior to the shipment thereof on board the exporting or removing vessel, or from any ship, cart, or carriage in or on which the same shall have been shipped or laden, the bond given in respect thereof shall be forfeited, and may forthwith be put in suit for the penalty thereof, although the time prescribed in such bond for the landing or removal and re-warehousing of such goods at the place of destination shall not have expired.

Commissioners may remit duty on warehoused goods lost or destroyed during delivery or shipment.

116. If any goods duly entered for delivery from the warehouse for removal or exportation shall be lost or destroyed by unavoidable accident, either in the delivery from the warehouse or the shipping thereof, the Commissioners of Customs may remit the duties thereon.

As to debentures for drawback on goods exported.

Debenture for drawback.

117. For the purpose of computing and paying any drawback claimed and payable upon any goods duly entered, shipped, and exported, a debenture shall in due time after such entry be prepared by the collector or other proper officer; certifying in the first instance the entry outwards of such goods; and so soon as the same shall have been duly exported, and a notice containing the particulars of the goods shall have been delivered by the exporter to the export officer, the shipment and exportation thereof shall be certified upon such debenture by the export officer, and the debenture shall thereupon be computed and passed with all convenient despatch.

Declaration as to exportation and right to drawback.

118. The person entitled to any drawback on any goods duly exported, or his agent authorised by him for that purpose, shall make and subscribe a declaration upon the debenture that the goods mentioned therein have been actually exported, and have not been re-landed, and are not intended to be re-landed in any part of the United Kingdom, and that such person at the time of entry and shipping was and continued to be entitled to the drawback thereon, and the name of such person shall be stated in the debenture, which shall then be delivered to such person or his agent, and the receipt of such person on the debenture, countersigned by the holder of such debenture, if the same shall have been transferred in the meantime, shall be the discharge for such drawback when paid.

Name of person entitled to be declared.

Payment within two years.

119. No debenture for any drawback allowed upon the exportation of any goods shall be paid after the expiration of two years from the date of the shipment of such goods.

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Warehouse or debenture goods not duly exported.

120. If any goods which have been cleared to be exported from the warehouse or for any drawback shall be shipped or entered to be shipped on board any vessel of less burden than forty tons, or shall not be duly exported to parts beyond the seas, or if the same or any other goods which shall have been shipped for exportation shall be unshipped or re-landed in any part of the United Kingdom (such goods not having been duly re-landed or discharged as short-shipped under the care of the proper officers), or shall be carried to any of the Channel Islands (not having been duly entered, cleared, and shipped to be exported or carried directly to such islands), the same shall be forfeited, together with any ship, boat, or craft which may have been used in so unshipping, re-landing, landing, or carrying such goods from the ship in which the same were shipped for exportation; and the master of such ship, and any person by whom or by whose orders or means such goods shall have been so unshipped, re-landed, landed, or carried, or who shall aid, assist, or be concerned therein, shall forfeit all claim to such drawback if not received, or if received, a sum equal to the amount of such drawback or treble the value of such goods, or a penalty of one hundred pounds, at the election of the Commissioners of Customs.

Wine allowed for officers in the navy.

121. Wine intended for the consumption of officers of Her Majesty's Navy on board such of Her Majesty's ships in actual service as they shall serve in, not exceeding in any one year for use of such officers the quantities herein-after respectively mentioned; that is to say,

		Gallons.
For every	Admiral - - -	1,260
,,	Vice-Admiral - -	1,050
,,	Rear-Admiral - -	840
,,	Captain of the 1st and 2nd rate	630
,,	Captain of the 3rd, 4th, and 5th rate - - - -	420
,,	Captain of an inferior rate -	210
,,	Lieutenant or other commanding officer, marine officer, master, paymaster, or surgeon - - - - -	105

may be taken from the warehouse without payment of duty and shipped at such ports and under such regulations as the Commissioners of Customs may direct or approve.

On officers leaving the service, &c.

122. If any such officer shall leave the service or be removed to another ship, the officer of the Customs may permit the transfer of

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wine transferable to others.

any such wine from one officer to another, as part of his proportion, whether on board the same ship or another, or the transhipment from one ship to another for the same officer, or the re-landing and warehousing for future re-shipment; and the officers of Customs at any port may receive the duties for any of such wine, and deliver the same for home use; but if any of such wine be not laden on board the ship for which the same was intended, or be unladen from such ship without permission of the proper officer of Customs, the same shall be forfeited.

Paymasters of Her Majesty's ships may ship tobacco for crew free of duty.

123. The paymaster or other proper officer of any of Her Majesty's ships of war in actual service may enter and ship, at any port approved of by the Commissioners of Customs, in the proportions herein-after mentioned, any tobacco there warehoused in his name or transferred into his name for the use of the ship in which he shall serve, provided such paymaster shall deliver to the collector or other proper officer of such port a certificate from the captain of such ship, stating the name of the paymaster, and the number of men belonging to the ship, and shall also give bond, with one sufficient surety, in treble the duties payable on the tobacco, that no part thereof shall be re-landed without leave of the officers of Customs.

Paymaster removed from one ship to another may tranship tobacco with permission.

124. If any paymaster or other proper officer shall be removed from one ship to another, the collector or other proper officer of any port may permit the transhipment of the remains of any tobacco for the use of such other ship, upon due entry thereof by such paymaster or other proper officer, setting forth the time when and the port at which such tobacco was first shipped; and if any such ship shall be paid off, the collector or other proper officer of the port may permit the remains of such tobacco to be landed, and to be entered by the paymaster or other proper officer of such ship, either for payment of duties, or to be warehoused for the term of six months for the supply of some other ship, in like manner as any tobacco may be warehoused and supplied at any port, or for payment of all duties within such six months; and all tobacco warehoused for the purpose of so supplying Her Majesty's ships of war shall be subject to the laws in force relating to the warehousing of tobacco generally, so far as the same are applicable.

Limiting the quantity of tobacco.

125. No greater quantity of tobacco shall be allowed to any ship of war than two pounds by the lunar month for each of the crew of such ship, nor shall any greater quantity be shipped at any one time than sufficient to serve the crew of such ship for six months after such rate of allowance; and the collector or other proper officer of the port at or from which any such tobacco shall be supplied to any such ship, or landed from any such ship, or trans-

ferred from one such ship to another, shall transmit a particular account thereof to the Commissioners of Customs, in order that a general account may be kept of all the quantities supplied to and consumed on board each of such ships under the allowances before granted.

As to the shipment of stores.

Victualling bill for stores.

126. The master of every ship of the burden of forty tons or upwards departing from any port in the United Kingdom upon a voyage to parts beyond the seas shall, upon due authority and request made by him, and upon such terms and conditions as the Commissioners of Customs may direct, receive from the export officer an order for the shipment of such stores as may be required and allowed by the collector or other proper officer for the use of such ship, with reference to the number of the crew and passengers on board and the probable duration of the voyage on which she is about to depart; and every such request shall be made in such form and manner as the collector or other proper officer shall require, and shall be signed by the master or owner of the vessel; and the master, or his agent duly authorised by him in writing for that purpose, shall deliver to the export officer the stores content, containing the particulars of such stores, and shall make out and subscribe thereon, in the presence of the proper officer, a declaration that the contents thereof are true, and that all the requirements of the Merchant Shipping Acts respecting outward-bound ships have been complied with, and also an account of the stores so shipped, together with any other stores then already on board, and the latter, when signed by the export officer and countersigned by the collector or other proper officer, shall be the victualling bill; and no stores shall be shipped for the use of any ship, nor shall any articles taken on board any ship be deemed to be stores, except such as shall be borne upon such victualling bill; and if any such stores shall be re-landed at any place in the United Kingdom (without the sanction of the proper officers of Customs), the same shall be forfeited, and the master and owner of the ship shall each be liable to a penalty of treble the value of such stores, or one hundred pounds, at the election of the Commissioners.

Stores illegally re-landed forfeited, and penalty 100.

As to clearance outwards.

If inward cargo reported for exportation copy of report thereof.

127. If there be on board any ship any goods being part of the inward cargo reported for exportation in the same ship, the master shall, before clearance outwards of such ship from any port in the United Kingdom, deliver to the searcher a copy of

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to be delivered to the searcher.

the report inwards of such goods, certified by the collector or other proper officer, and if such copy be found to correspond with the goods so remaining on board, the export officer shall sign the same, to be filed with the certificates or shipping bills, if any, and victualling bill of the ship.

Before clearance, certificates to be delivered to the proper officer.

Content.

Form No. 10.

128. Before any ship shall be cleared outwards from the United Kingdom, the master, or other person authorised in writing by him, shall attend before the collector or other proper officer, and shall answer all such questions as shall be demanded of him by such collector or other proper officer concerning the ship, the cargo, and the voyage, and shall deliver to the collector or other proper officer a content of such ship in the form No. 10 in Schedule B. to this Act, or to the same effect, and containing the several particulars therein required as far as the same can be known by him, and shall make and subscribe the declaration at the foot thereof in the presence of the collector or other officer, unless such content shall be in any case dispensed with by the Commissioners of Customs under such regulations as they may see fit, and before clearance shall deliver the certificates, if any, to the collector or other proper officer, who shall file them, together with a copy of the report inwards, if any, of goods reported for exportation in such ship, and the victualling bill, with a label attached and sealed thereto in the form and to the effect following:

(Seal.)

CLEARANCE LABEL.

Number of Certificates (*Numbers in Figures*).

Ship (*Name of Ship*).

Master (*Name of Master*).

Date of Clearance_____

Signatures of Collector or other proper Officers of Customs - } _____

Label signed, authority to depart.

and such label, when filled up and signed by the proper officers, shall be the clearance and authority for the departure of the ship.

Additional content for goods shipped at other ports.

129. When any ship having been cleared at one port proceeds to take in goods at any other port, the master shall, after due shipment of such goods at such other port, deliver to the collector or other proper officer there an additional like content of the goods so shipped, and so on from port to port until final clearance outwards of the ship, and in each instance the additional certificates, if any, and other necessary documents, shall be attached to the label used at the first port of departure, and be sealed in like manner.

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130. If any goods for the exportation of which in any ship bond shall have been given shall not be duly shipped before the departure of such ship, such goods shall be forfeited unless due notice of the non-shipment thereof shall be given to the proper officer immediately after such departure, in order that he may certify the short shipment thereof; and if such goods shall not within fourteen days after the final clearance of the ship be re-warehoused or re-entered for exportation under bond in some other ship, the person entering the same shall forfeit the sum of five pounds; and if any goods shall be unshipped without the sanction of the proper officer of Customs in any part of the United Kingdom from any ship entered outwards, such goods shall be forfeited and the master of such ship and every person concerned in such unshipment shall forfeit one hundred pounds, or treble the value of the goods so unshipped or landed.

Short shipment of goods to be notified to proper officer.

Goods unshipped.

Penalty.

131. If any goods for which entry before shipment is required shall be shipped, put off, or water-borne to be shipped, without being duly cleared, or otherwise contrary to the provisions of this or any other Act relating to the Customs, the same shall be liable to forfeiture.

Goods shipped contrary to provisions forfeited.

132. If any ship having on board any goods shipped as cargo or any goods reported inwards for exportation in such ship, or any stores liable to duty or entitled to drawback, shall depart from any port without being duly cleared, the master shall forfeit the sum of one hundred pounds.

Penalty on departing without beingcleared.

133. If any ship shall depart in ballast from the United Kingdom for parts beyond the seas, not having any goods on board except stores borne upon the victualling bill, nor any goods reported inwards for exportation in such ship, the collector or other proper officer may, on the application of the master, clear such ship in ballast; but the master of such ship shall answer to the collector or other proper officer such questions touching her departure and destination as shall be demanded of him; and ships having only passengers with their baggage on board, and ships laden only with chalk or slate, shall be deemed to be in ballast, and if any ship having any such stores on board or any goods for exportation in the same ship, shall depart without being duly cleared, the master shall forfeit one hundred pounds.

In ballast.

Master to answer questions.

Ships carrying passengers, chalk, or slate in ballast.

As to boarding and departure of ships after clearance.

Boarding of ships.

134. Any officer of Customs may go on board any ship after clearance outwards within the limits of any port in the United

Officer may board ship after clearance.

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Kingdom, or within one league of the coast thereof, and may demand the ship's clearance, and if the master shall refuse to produce the same and answer such questions concerning the ship, cargo, and intended voyage as may be demanded of him, he shall forfeit the sum of five pounds.

If officers put seals upon stores from the warehouse outwards, and such seals be broken, master to forfeit 20*l.*

135. If any officer of Customs shall place any lock, mark, or seal upon any stores or goods taken from the warehouse without payment of duty as stores on board any ship or vessel departing from any port in the United Kingdom, and such lock, mark, or seal be wilfully opened, altered, or broken, or if such stores be secretly conveyed away, either while such ship or vessel remains at her first port of departure, or at any port or place in the United Kingdom, or on her passage from one such port or place to another before the final departure of such ship or vessel on her foreign voyage, the master shall forfeit the sum of twenty pounds.

Ships not bringing to at stations, penalty 20*l.*

Carrying away officers, penalty 100*l.*

136. If any ship departing from any port in the United Kingdom shall not bring to at such stations as shall be appointed by the Commissioners of Customs for the landing of officers from such ships, or for further examination previous to such departure, the master of such ship shall forfeit the sum of twenty pounds; and if any ship shall depart from any port with any Customs or other Government officer on board, without the consent of such officer, the master shall forfeit one hundred pounds.

Time of exportation and departure defined.

137. The time at which any goods, unless prohibited as hereinafter mentioned, shall be shipped on board any export ship shall be deemed to be the time of exportation of such goods, and the time of the last clearance of any ship shall be deemed to be the time of departure of such ship, except as to any goods prohibited to be exported as contraband of war, with reference to which the exportation shall be deemed to be the actual time of the ship's departure on her outward voyage.

Goods prohibited by proclamation.

138. The following goods may, by proclamation or Order in Council, be prohibited either to be exported or carried coastwise: arms, ammunition, and gunpowder, military and naval stores, and any articles which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of military or naval stores, provisions, or any sort of victual which may be used as food for man, and if any goods so prohibited shall be exported or brought to any quay or other place to be shipped for exportation from the United Kingdom or carried coastwise, or be water-borne to be so exported or carried, they shall be forfeited.

EXPORTATION.

In case of public emergency, &c., pre-entry of export or coastwise goods may be required.

139. The Commissioners of Customs may, by order under their hands, require due entry and clearance before shipment, and in such manner as they may direct, of any goods intended for exportation or carriage coastwise, on being satisfied that the public interests render such course expedient, and if upon such entry the goods shall not be found to correspond with the particulars contained therein, they may be detained until the cause be explained to the satisfaction of the Commissioners of Customs, who may thereupon restore the same on such terms as they may see fit; and any exporter and shipper of any cask or package, containing any explosives as defined by "The Explosives Act, 1875," or by any Order in Council made pursuant thereto, shall duly enter the same before shipment thereof, and in the entry outwards or coastwise thereof shall correctly describe such explosive according to such definition; and if he shall fail or neglect to make such entry, or if the same be false in any particular, he shall forfeit the sum of one hundred pounds, and such cask or package, and the contents thereof, shall also be forfeited.

AS TO COASTING TRADE.

COASTING TRADE.

All trade by sea from part of the United Kingdom to another to be deemed coastwise, and no part to be deemed beyond the sea.

140. All trade by sea from any one part of the United Kingdom to any other part thereof shall be deemed to be a coasting trade, and all ships while employed therein shall be deemed to be coasting ships, and no part of the United Kingdom, however situated with regard to any other part, shall be deemed in law, with reference to each other, to be parts beyond the seas; and if any doubt shall at any time arise as to what or to or from what parts of the coast of the United Kingdom shall be deemed a passage by sea, the Commissioners of the Treasury may determine and direct in what cases the trade by water from one port or place in the United Kingdom to another of the same shall or shall not be deemed a trade by sea within the meaning of this or any Act relating to the Customs.

Foreign ships in coasting trade subject to same rules as British ships.

141. Every foreign ship proceeding either with cargo or passengers or in ballast on any voyage from one part of the United Kingdom to another, or from the Islands of Guernsey, Jersey, Alderney, Sark, or Man to the United Kingdom, or from the United Kingdom to any of the said islands, or from any of the said islands to any other of them, or from any part of any of the said islands to any other part of the same, shall be subject, as to stores for the use of the crew and in all other respects, to the same laws, rules, and regulations to which British ships when so employed are now subject; but no such foreign ship nor any goods carried therein shall, during the time she is so employed, be subject to any

Foreign ships employed in the coasting

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COASTING TRADE, trade not to be subject to higher rates than British ships.

higher or other rate of dock, pier, harbour, light, pilotage, tonnage, or other dues, duties, tolls, rates, or other charges whatsoever, or to any other rules as to the employment of pilots, or any other rules or restrictions whatsoever, than British ships employed in like manner or goods carried therein, any law, charter, special privilege, or grant to the contrary notwithstanding; nor shall any body corporate or person having or claiming any right or title to any such higher or other rates, dues, duties, tolls, or other charges as aforesaid be entitled to any compensation in respect thereof under any law or statute relating thereto, or otherwise howsoever.

Coasting ship confined to coasting voyage.

142. No goods shall be carried in any coasting ship, except such as shall be laden to be carried coastwise at some port or place in the United Kingdom, and no goods shall be laden on board any ship to be carried coastwise until all goods brought in such ship from parts beyond the seas shall have been unladen, and if any goods shall be taken into or put out of any coasting ship at sea or over the sea, or if any coasting ship shall touch at any place over the sea, or deviate from her voyage, unless forced by unavoidable circumstances, or if the master of any coasting ship which shall have touched at any place over the sea shall not declare the same in writing under his hand to the collector or other proper officer at the port in the United Kingdom where such ship shall afterwards first arrive, the master of such ship shall forfeit the sum of one hundred pounds.

Times and places for landing and shipping.

143. If any goods shall be unshipped from any ship arriving coastwise, or be shipped or water-borne to be shipped to be carried coastwise, on Sundays or holidays, or unless in the presence or with the authority of the proper officer of the Customs, or unless at such times and places as shall be appointed or approved by him for that purpose, the same shall be forfeited, and the master of the ship shall forfeit the sum of fifty pounds.

Master of coasting vessel to keep a cargo-book.

144. The master of every coasting ship shall keep or cause to be kept a cargo-book, stating the names of the ship, the master, and the port to which she belongs, and of the port to which she is bound on each voyage, and shall at every port of lading enter in such book the name of such port, and an account of all goods there taken on board such ship, stating the descriptions of the packages and the quantities and descriptions of the goods therein, and the quantities and descriptions of any goods stowed loose, and the names of the respective shippers and consignees, so far as such particulars are known to him, and shall at every port of discharge of such goods note the respective days on which the same or any of them are delivered out of such ship, and the respective times of

departure from every port of lading and of arrival at every port of discharge; and such master shall, on demand, produce such book for the inspection of any officer of Customs, who shall be at liberty to make any note or remark therein; and if upon examination any package entered in the cargo-book as containing foreign goods shall be found not to contain such goods, such package, with its contents, shall be forfeited, or if any package shall be found to contain foreign goods not entered in such book, such goods shall be forfeited; and if such master shall fail correctly to keep such cargo-book, or to produce the same, or if at any time there be found on board such ship any goods not entered in such book as laden, or any goods noted as delivered, or if any goods entered as laden or any goods not noted as delivered be not on board, the master of such ship shall forfeit the sum of twenty pounds.

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Penalty for false entries in such book.

145. Before any coasting ship shall depart from her port or place of lading, an account, with a duplicate thereof, in the form No. 11 in Schedule B. to this Act, and containing the several particulars indicated in or required thereby, and signed by the master, shall be delivered to the collector or other proper officer, who shall retain the duplicate, and return the original, dated and signed by him; and such account shall be the clearance of the ship for the voyage, and the transire or pass for the goods expressed therein; and if the master shall fail to deliver a correct account he shall forfeit a sum of twenty pounds; provided that the Commissioners of the Customs may, when deemed by them expedient, permit general transires to be given, under such regulations as they may direct, for the lading and clearance and for the entry and unlading of any coasting ship and goods, but the same may be revoked by notice in writing under the hand of the proper officer delivered to the master or owner of any ship or any of the crew on board.

Account previous to departure to be delivered to collector in the Form No. 11. in Schedule B.

Commissioners may grant general transires.

146. Within twenty-four hours after the arrival of any coasting ship at the port or place of discharge, and before any goods be unladen, the transire, with the name of the place or wharf where the lading is to be discharged noted thereon, shall be delivered to the collector or other proper officer, who shall note thereon the date of delivery; and if any of the goods on board such ship be subject to any duty of excise, the same shall not be unladen without the authority or permission of the proper officer of excise; and if any goods on board any coasting ship arriving in Great Britain or Ireland from the Isle of Man shall be the growth or produce of that isle, or manufactures of that isle from materials the growth or

Transire to be delivered in 24 hours after arrival.

Inland Revenue goods.

Goods from the Isle of Man.

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COASTING TRADE.

produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty shall have been paid and not drawn back in Great Britain or Ireland, the same shall not be unladen until a certificate be produced to the collector or other proper officer from the collector or other proper officer at the port or place of shipment, that proof had there been made in manner required by law that such goods were of such growth, produce, or manufacture, as the case may be; and if any goods shall be unladen contrary hereto, the master shall forfeit the sum of twenty pounds; and if any goods shall be laden on board any ship and carried coastwise, or be brought to any port or place in the United Kingdom for that purpose, or having been brought coastwise shall be unladen in any such port or place contrary to the Customs Acts, such goods shall be forfeited.

Penalty for illegal unlading.

Forfeiture of goods.

Officer may go on board and examine any coasting ship.

147. Any collector or other proper officer of Customs may go on board any coasting ship in any port or place in the United Kingdom, or at any period of her voyage, search such ship, and examine all goods on board, and all goods then lading or unlading, and demand all documents which ought to be on board such ship, and may require all or any such documents to be brought to him for inspection, and the master of any ship refusing to produce such documents on demand, or to bring the same to the collector or other proper officer when required, shall forfeit the sum of twenty pounds.

Goods brought coastwise may be entered outwards without landing.

148. If the master of any ship bringing any goods not liable to duty coastwise from one port of the United Kingdom to another shall desire to proceed with such goods or any of them to parts beyond the seas, he may, subject to such regulations as the Commissioners of Customs may see fit, enter such ship and goods outwards for the intended voyage without first landing the same.

BRITISH POSSESSIONS.

AS TO THE CHANNEL ISLANDS AND OTHER POSSESSIONS.

Powers of Commissioners of Customs as to colonies extended to governors, &c.

149. The powers and authorities vested in the Commissioners of Customs with regard to any act or thing relating to the Customs, or to trade or navigation in any of the British possessions abroad, shall continue to be vested in the governor, lieutenant-governor, or other person administering the government in any such possession, and every act required by any law to be done by or with any particular officer or at any particular place, if done by or with any such officer or at any place appointed or nominated by such governor, lieutenant-governor, or other person so administering

such government, shall be deemed to have been done by or with such particular officer or at such particular place, as the case may be, and as required by law; and all commissions, deputations, and appointments granted to any officers of Customs in force at the commencement of this Act shall have the same force and effect to all intents and purposes as if the same had been granted or made in the first instance by such governor, lieutenant-governor, or person so administering the government of any such possession; and all bonds or other securities which shall have been given by or for any such officers and their respective sureties for good conduct or otherwise shall remain in force, and shall and may be enforced and put in suit at the instance of or by directions of any such governor, lieutenant-governor, or person administering the government of any such possession.

Base coin prohibited to be imported into British possessions.

150. Base or counterfeit coin is hereby absolutely prohibited to be imported or brought, either by sea or inland carriage or navigation, into the British possessions in America and the Mauritius.

Customs Acts to extend to British possessions abroad, except where otherwise provided for.

151. The Customs Acts shall extend to and be of full force and effect in the several British possessions abroad, except where otherwise expressly provided for by the said Acts, or limited by express reference to the United Kingdom or the Channel Islands, and except also as to any such possession as shall by local Act or ordinance have provided, or may hereafter, with the sanction and approbation of Her Majesty and her successors, make entire provision for the management and regulation of the Customs of any such possession, or make in like manner express provisions in lieu or variation of any of the clauses of the said Act for the purposes of such possession.

Foreign reprints of books under copyright prohibited.

152. Any books wherein the copyright shall be subsisting, first composed or written or printed in the United Kingdom, and printed or reprinted in any other country, shall be and are hereby absolutely prohibited to be imported into the British possessions abroad: Provided always, that no such books shall be prohibited to be imported as aforesaid unless the proprietor of such copyright, or his agent, shall have given notice in writing to the Commissioners of Customs that such copyright subsists, and in such notice shall have stated when the copyright will expire; and the said Commissioners shall cause to be made and transmitted to the several ports in the British possessions abroad, from time to time to be publicly exposed there, lists of books respecting which such notice shall have been duly given, and all books imported contrary thereto shall be forfeited; but nothing herein contained shall be taken to prevent Her Majesty

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from exercising the powers vested in her by the tenth and eleventh Victoria, chapter ninety-five, intituled "An Act to amend the law "relating to the protection in the colonies of works entitled to "copyright in the United Kingdom," to suspend in certain cases such prohibition.

Foreign manufactures with British marks.

153. If any articles of foreign manufacture, and any packages of such articles, bearing any names, brands, or marks being or purporting to be the names, brands, or marks of manufacturers resident in the United Kingdom, shall be imported into any of the British possessions abroad, the same shall be forfeited.

Ship and cargo to be reported on arrival.

Particulars of report.

154. The master of every ship arriving in the Channel Islands, whether laden or in ballast, shall come directly, and before bulk be broken, to the Custom House for the port or district where he arrives, and there make a report in writing to the proper officer of Customs, in the same form and manner as herein-before provided on the arrival of any ship in Great Britain or Ireland from parts beyond the seas, so far as the same may be applicable; and if any goods be unladen from any ship before such report be made, or if the master fail to make such report, or make an untrue report, or do not truly answer the questions demanded of him, he shall forfeit the sum of fifty pounds, and if any goods be not reported such goods shall be forfeited.

Penalty for false report.

Entry of goods to be laden or unladen.

Regulations inwards and outwards.

155. No goods shall be laden or water-borne to be laden on board any ship, or unladen from any ship, in the Channel Islands, until due entry shall have been made of such goods and warrant granted for the lading or unlading of the same; and no goods shall be so laden or water-borne or so unladen in the said Channel Islands except at some place at which an officer of the Customs is appointed to attend the lading and unlading of goods, or at some place for which a sufferance shall be granted by the proper officer of Customs for the lading and unlading of such goods, and in the presence or with the permission of such officer; but the Commissioners of Customs may make such regulations for the carrying coastwise of any goods, or for the removing of any goods for shipment in the said islands, as to them shall appear expedient; and all goods laden, water-borne, or unladen contrary hereto, or to any regulations to be so made, shall be forfeited.

Regulations coastwise.

Forfeiture.

Goods grown or manufactured in Channel Islands.

156. Any goods of the growth of the Channel Islands, and any goods manufactured in the said islands from materials of the growth of the said islands, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has

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British Possessions, Duty free.

subsequently been granted, may be imported into Great Britain or Ireland from the said islands respectively without payment of any duty, and such goods shall not be deemed to be included in any charge of duties imposed by any Act on the importation of goods generally from parts beyond the seas, except as herein-after provided; and any person who is about to export from the Channel Islands to Great Britain or Ireland any such goods may go before a magistrate of such islands and make and sign before him a declaration that such goods, stating the quantity, quality, and description thereof, and the number and denomination of the packages containing the same, are of such growth or produce or of such manufacture, and such magistrate shall administer and sign such declaration; and thereupon the governor, lieutenant-governor, or other proper authority of the island from which the goods are to be exported shall, upon the delivery to him of such declaration, grant a certificate under his hand of the proof contained in such declaration, stating the ship in which and the port to which the goods are to be exported; and such certificate shall be the proper document to be produced at such port in proof that the goods mentioned therein are of the growth, produce, or manufacture of such island respectively, and before any such goods shall be admitted to entry at any port in Great Britain or Ireland as being the produce of the said islands (if any benefit attach to such distinction), the master of the ship importing the same shall deliver such certificate to the collector or other proper officer: Provided always, that such goods shall be charged with any proportion of such duties as shall fairly countervail any duties of excise payable on the like goods the produce or manufacture of the part of Great Britain or Ireland into which they shall be imported, or payable upon any of the materials from which such goods are manufactured; and all goods manufactured in any of the said islands from any other materials than the materials aforesaid shall be declared and taken to be foreign goods.

Master to deliver certificate of produce.

Prohibited goods not to be shipped from the Channel Islands to the United Kingdom.

157. If in the Channel Islands any goods, the importation whereof into the United Kingdom is prohibited, or any goods in any packages or in any manner in which the same cannot be legally imported into the United Kingdom, shall be found concealed or prepared for shipment, or be shipped, removed, or brought to any wharf, quay, or other place in the said islands, or be water-borne to be shipped on board any ship without the authority of the proper officers of Customs of the said islands, such goods shall be forfeited, and any person who shall so ship, bring, or water-bear to be shipped any such goods, or be otherwise knowingly concerned therein, or in

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whose custody or possession the same shall be found, shall forfeit the sum of one hundred pounds, or treble the value of the goods, at the election of the Commissioners of Customs.

Ships not to sail from Channel Islands without clearance.

158. No ship or boat belonging wholly or in part to Her Majesty's subjects shall sail from the Channel Islands without a clearance, whether in ballast or having a cargo; and if with cargo, the master shall give bond to Her Majesty in double the value of such cargo for the due landing thereof at the port for which such ship or boat clears; and shall truly answer such questions as may be put to him by the principal or other proper officer of Customs touching such ship and her intended voyage; and every such ship or boat not having such clearance, or which, having a clearance for her cargo, shall be found light, or to have discharged any part of her cargo before arrival at the port or place of discharge specified in the clearance, shall be forfeited; and the master of every ship so departing without clearance, or refusing to answer or not answering truly any such questions, or discharging any part of the cargo of such ship before arrival at her port or place of discharge, shall forfeit the sum of fifty pounds.

Penalty.

Stores for vessels departing from the Channel Islands.

159. The Commissioners of Customs may from time to time establish regulations as to the quantities, custody, and disposal of tobacco, spirits, and tea to be used as stores by the master, crew, and passengers of any vessel about to depart from the Channel Islands to any port in the United Kingdom, or to any fishing grounds at sea, having regard to the time that will be occupied in the contemplated voyage, the tonnage of the vessel, and the number of her crew and passengers, the particulars of such stores to be noted on the clearance of the vessel; and if they or any part thereof be landed in the United Kingdom from the said vessel contrary to the regulations so established, or without the knowledge or permission of the proper officer of the Customs, they shall be forfeited, and the master of such vessel shall, on proof of any such landing or unshipment, forfeit the penalty of twenty pounds, and if any stores in excess of the quantity allowed by such regulations be found on board any ship so about to depart, they shall be forfeited.

Application of penalties.

160. All penalties and forfeitures recovered in the Channel Islands under this or any Act relating to the Customs shall be paid into the hands of the principal officer of the port or place where the same shall have been recovered, and shall be divided, paid, and applied as follows; (that is to say,) after deducting the charges and expenses incurred in respect thereof, one moiety of the net produce shall be paid to the Receiver-General of the islands, and

the other moiety to or amongst the seizor or other persons by or through whom or whose information such seizure may have been effected, in such manner and proportion as the Commissioners of Customs may direct, except where such seizures shall have been made at sea by the commander or officer of any of Her Majesty's ships of war duly authorised to make seizures, in which case such last-mentioned moiety shall be paid to such commander or officer for distribution in the usual way; and where such seizure shall consist of tobacco or spirits, the Commissioners of Customs may allow to such seizor or other persons such further reward as they see fit, not exceeding in any case the sum of five pounds.

Reward to officers for seizures in Channel Islands.

161. All laws, byelaws, usages, or customs at this time, or which hereafter shall be in practice, or endeavoured or pretended to be in force or practice, in any of the British possessions, which are in anywise contrary to the Customs Acts, are and shall be null and void.

Colonial laws repugnant to Acts of Parliament void.

162. No spirits (except rum or British spirits) shall be imported into or exported from the Channel Islands or any of them, or be removed from any one to any other of the said islands, or be carried coastwise from any one part to any other part of any one of the said islands, or shall be shipped in order to be so removed or carried in any ship other than of the burden of forty tons or upwards, or in any cask or other vessel capable of containing liquids not being of the size or content of twenty gallons at the least if foreign, or nine gallons at the least if British or Irish; and all spirits imported, exported, removed, carried, shipped, or water-borne to be so shipped, removed, or carried contrary hereto, shall be forfeited, together with the ship, and any boat importing, exporting, removing, or carrying the same: Provided always, that nothing herein contained shall extend to any spirits imported in any such ship in glass bottles as part of the cargo, nor to any spirits being really intended for the consumption of the seamen and passengers of such ship during their voyage and not being more in quantity than is necessary for that purpose, nor to any boat of less burden than ten tons for having on board at any one time any foreign spirits of the quantity of ten gallons or under, such boat having a license from the proper officer of Customs at either of the islands of Guernsey or Jersey for the purpose, being employed in carrying commodities for the supply of the island of Sark, which license such officer is hereby required to grant without fee or reward; but if any such boat shall have on board at any one time any greater quantity of spirits than ten gallons, unless in casks or packages of the size and content of

As to importing and exporting spirits into and from Channel Islands in ships of 40 tons and upwards.

Not to extend to spirits in glass bottles, stores, certain warehoused goods, nor to licensed boats supplying Sark.

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twenty gallons at the least if foreign, or nine gallons at the least if British or Irish, such spirits and boats shall be forfeited.

Provision as to importation of tobacco, &c. into Channel Islands.

163. No tobacco, cigars, or snuff shall be imported into the Channel Islands, nor be carried from any one of the said islands to another of them, or from one part of any of the said islands to another part of the same, unless in ships of not less burden than forty tons, nor unless in packages each containing not less than eighty pounds net weight of such tobacco, cigars, or snuff, nor unless the provisions in and under which the like sort of goods may be legally imported into the United Kingdom are complied with; and all tobacco, cigars, or snuff imported into the said islands, or found, carried, shipped, or removed contrary hereto, or which shall be found or discovered to have been on board any ship or boat within one league of the coasts thereof, shall be forfeited, together with the ship or boat.

Malta deemed to be in Europe.

164. The Island of Malta and its dependencies shall be deemed to be in Europe.

Bonds and other Securities.

As to Bonds and other Securities.

All bonds and securities entered into valid.

165. All bonds and other securities entered into by any person or persons for the performance of any condition, order, or matter relative to the Customs or incident thereto shall be valid in law, and upon breach of any of the conditions thereof may be sued and proceeded upon in the same manner as any bond expressly directed or given by or under the provisions of the Customs Acts; and all bonds relating to the Customs, or for the performance of any condition or matter incident thereto, shall be taken to or for the use of Her Majesty; and all such bonds, except such as are given for securing the due exportation of or payment of duty upon warehoused goods, may, after the expiration of three years from the date thereof, or from the time, if any, limited therein for the performance of the condition thereof, be cancelled by or by the order of the Commissioners of Customs; and all bonds given under the provisions of the Customs Acts by persons under twenty-one years of age shall be valid.

Bonds to be taken to the use of Her Majesty.

Bonds of minors valid.

How bonds satisfied may be discharged.

166. If any bond given under the provisions of the Customs Acts, or in respect of any matter under the control or management of the Commissioners of Customs, shall have been registered in the Court of Common Pleas in England or in the Common Pleas Division of the High Court of Justice in England, or in the office of the Registrar of Judgments in Ireland, and the condition of such bond shall have been satisfied, the Commissioners of Customs, by

certificate under the hands of any two or more of them, may authorise the proper officer of the said court or office of Registrar of Judgments, as the case may be, to enter up satisfaction on the record of such bond or obligation; and such certificate may be in the form or to the effect following:

'This is to certify that the following bond has been satisfied and 'cancelled.

Name or Names of the Obligor or Obligors.	Date of Bond.	Penalty.	Condition.	When registered.

'Given under our hands, this day of 187 .

'Commissioners of Customs.

'To the senior master or other proper
'officer of the Common Pleas Division
'of the High Court of Justice (*if in*
'*England*), *or* To the Registrar of
'Judgments (*if in Ireland*), (*as the case*
'*may be*).'

and upon the receipt of such certificate such officer is required to enter up satisfaction accordingly, whereupon the bond or obligation shall be discharged, and the lands thereby affected shall be released and exonerated from all claims in respect thereof.

Exoneration of estates of obligors.

167. When any bond entered into under the provisions of any of the Customs Acts, or for the performance of any condition, order, or matter incident or relative to the Customs, shall have been registered in the Court of Common Pleas in England, under the Act of the second year of the reign of Her present Majesty, chapter eleven, or in the office of the Registrar of Judgments in Ireland, under the Act of the seventh and eighth years of the reign of Her said Majesty, chapter ninety, and it shall be deemed necessary in the discretion of the Commissioners of Customs to exonerate the whole or any part of the lands of any obligor of such bond from liability in respect thereof, the Commissioners of Customs, by certificate or certificates under the hands of any two or more of them, may, first requiring the consent of any co-obligor, if they shall deem it necessary, exonerate and discharge such lands or any part thereof, as the case may require, and such certificate may be in the form or to the effect following:

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BONDS AND OTHER SECURITIES.

Form of certificate of exoneration.

'By a bond or obligation bearing date the day of 18 [*name of obligor seeking exoneration*], of [*residence and description of obligor*] became bound to Her Majesty, her heirs and successors, in the sum of , conditioned as therein mentioned; and the said bond was, on the day of 18 , duly recorded in the Court of Common Pleas [*if in England, or* filed in the office of the Registrar of Judgments, *if in Ireland*] in pursuance of the Act [*state the Act under which the bond was registered*].

'This is to certify, that all the estate, lands, tenements, and hereditaments [*if the whole are to be discharged*] *or* [*here set out the particular lands, tenements, and hereditaments exonerated, if part only are to be discharged, adding the following words*] being part of the estate, lands, tenements, and hereditaments of the said [*name of obligor seeking exoneration*] are wholly exonerated and discharged from all claims of Her Majesty, her heirs or successors, or of the Commissioners of Customs on her or their behalf, in respect of such bond or obligation.

'Given under our hands this day of 18 .

'(Signed)_____

_____

'Commissioners of Her Majesty's Customs.'

Certificates to be sufficient evidence of exoneration.

and the lands mentioned in such certificate or certificates shall thereupon be held wholly exonerated and discharged from all liability in respect of such bond or obligation, and every such certificate shall be accepted by all persons and in all courts as sufficient evidence of the exoneration of the lands therein described.

FALSE DECLARATIONS.

AS TO MAKING AND SIGNING FALSE DECLARATIONS RELATING TO THE CUSTOMS, FALSELY ANSWERING QUESTIONS, AND COUNTERFEITING DOCUMENTS.

Penalty on making false declarations, signing false documents, and untruly answering questions, and counterfeiting and using false documents.

168. If any person shall in any matter relating to the Customs or under the control or management of the Commissioners of Customs, make and subscribe, or cause to be made and subscribed, any false declaration, or make or sign any declaration, certificate, or other instrument required to be verified by signature only, the same being false in any particular, or if any person shall make or sign any declaration made for the consideration of the Commissioners of Customs on any application presented to them, the same being untrue in any particular, or if any person required by this or any other Act relating to the Customs to answer questions put to him by the officers of Customs shall not truly answer such questions, or if any person shall counterfeit, falsify, or wilfully use when

counterfeited or falsified, any document required by this or any Act relating to the Customs or by or under the directions of the Commissioners of Customs, or any instrument used in the transaction of any business or matter relating to the Customs, or shall alter any document or instrument after the same has been officially issued, or counterfeit the seal, signature, initials, or other mark of or used by any officer of the Customs for the verification of any such document or instrument, or for the security of goods, or any other purpose in the conduct of business relating to the Customs or under the control or management of the Commissioners of Customs or their officers, every person so offending shall for every such offence forfeit the penalty of one hundred pounds.

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FALSE DECLARATIONS.

AS TO THE RESTRICTIONS ON SMALL CRAFT, AND THE REGULATIONS FOR THE PREVENTION OF SMUGGLING.

SMUGGLING. *Restrictions on small craft.*

169. The Commissioners of Customs may from time to time, by order under their hands, make such general regulations as they shall deem expedient in respect of vessels and boats not exceeding one hundred tons burden, for the purpose of prescribing, with reference to the tonnage, build, or description of such vessels or boats, the limits within which the same may be employed, the mode of navigation, the manner in which such vessels or boats shall be so employed, and, if armed, the number and description of arms, the quantity of ammunition, and such other terms, particulars, conditions, and restrictions as the said Commissioners may think fit, and also from time to time may revoke, alter, or vary such regulations; and the general regulations made under any former Act, and in force at the time of the passing of this Act, shall remain and continue in force until altered, varied, or revoked.

Commissioners may make general regulations for vessels and boats not exceeding 100 tons.

170. Every ship or boat which shall be used or employed in any manner contrary to the regulations prescribed by the Commissioners of Customs shall be liable to forfeiture, unless the same shall have been specially licensed by the Commissioners of Customs to be so used or employed, as next herein-after provided.

Vessels and boats used contrary to regulations forfeited.

171. The Commissioners of Customs may, if they shall so think fit, grant licenses in respect of any vessels or boats not exceeding one hundred tons burden, upon such terms and conditions and subject to such restrictions and stipulations as in such licenses mentioned, notwithstanding any general regulations made in pursuance of this Act, whether the said regulations shall be revoked or not; and if any vessel or boat so licensed shall not comply with the conditions imposed by or expressed in any such license, or if

Commissioners of Customs may grant special licenses on terms.

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SMUGGLING.

such vessel or boat shall be found without having such license on board, such vessel or boat shall be forfeited.

Vessels made use of in removal of uncustomed or prohibited goods forfeited.

172. If any vessel or boat shall be used in the importation, landing, removal, carriage, or conveyance of any uncustomed or prohibited goods, the same shall be forfeited, and the owner and the master of every such vessel or boat shall each forfeit and pay a penalty equal to the value of such vessel or boat, not in any case exceeding five hundred pounds.

Commissioners may revoke licenses.

173. The Commissioners of Customs may revoke, alter, or vary any license or licenses granted under any former Act, or which may hereafter be granted under this or any other Act relating to the Customs.

Regulations to extend to Channel Islands.

174. All the regulations which shall be so made by the Commissioners of Customs relating to vessels and boats, and the power to grant, revoke, or vary such licenses, shall extend to the Channel Islands.

Boats of vessel to have thereon the name of vessel, port, and master.

175. The owner of every ship belonging wholly or in part to any of Her Majesty's subjects shall paint or cause to be painted upon the outside of the stern of every boat belonging to such ship the name of such ship and the port or place to which she belongs, and the master's name withinside the transom, in white or yellow Roman letters, not less than two inches in length, on a black ground, on pain of the forfeiture of every such boat not so marked, wherever the same shall be found.

Boats not belonging to ships to have name of owner and port thereon.

176. The owner of every vessel or boat, whether decked, partially decked, or open, not being of the burden of one hundred tons, and not belonging to any ship, shall paint or cause to be painted upon the outside of the stern of such boat in white or yellow Roman letters, of not less than two inches in length, on a black ground, the name of the owner of the boat and the port or place to which she belongs, on pain of the forfeiture of such boat not so marked, wherever the same shall be found.

Goods unshipped without payment of duty and prohibited goods liable to forfeiture.

177. If any goods liable to the payment of duties shall be unshipped from any ship or boat in the United Kingdom (Customs or other duties not being first paid or secured), or if any prohibited goods whatsoever shall be imported or brought into any part of the United Kingdom; or if any goods shall be removed from any ship, quay, wharf, or other place, previously to the examination thereof by the proper officer of Customs, or being entered to be warehoused shall be carried into the warehouse, unless under the care or authority of such officer and in such manner and by such roads or

ways and within such time as he shall direct; or if any goods entered to be warehoused, after the landing thereof, shall be removed or withdrawn from any quay, wharf, or other place in the United Kingdom, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or if any goods whatever which shall have been warehoused or otherwise secured in the United Kingdom, either for home consumption or exportation, or shall have been delivered from any warehouse or other place without payment of duty for removal to any other warehouse or place, shall be clandestinely or illegally removed from or out of any warehouse or place of security, or shall not be duly delivered at the place at which such goods were destined to be removed; or if any goods which are prohibited to be exported shall be put on board any ship or boat with intent to be laden or shipped for exportation, or shall be brought to any quay, wharf, or other place in the United Kingdom in order to be put on board any ship for the purpose of being exported; or if any goods which are prohibited to be exported shall be found in any package produced to any officer of Customs as containing goods not so prohibited; or if any goods subject to any duty or restriction in respect of importation, or which are prohibited to be imported into the United Kingdom, shall be found or discovered to have been concealed in any manner on board any ship or boat within the limits of any port of the United Kingdom, or shall be found either before or after landing to have been concealed in any manner on board any such ship or boat, within such limits as aforesaid; then and in every of the foregoing cases all such goods shall be forfeited, together with any goods which shall be found packed with or used in concealing them.

Goods illegally removed from warehouse.

Prohibited goods shipped or water-borne with intent to be exported, &c.

Goods concealed on board, and goods packed therewith, forfeited.

178. All goods the importation of which is in any way restricted, which are of a description admissible to duty, and which shall be found or seized in the United Kingdom under the Customs Acts, shall, for the purpose of proceeding for the forfeiture of them or for any penalty incurred in respect of them, be deemed and taken to be, on the trial or hearing thereof, goods liable to and unshipped without payment of duties, unless the contrary be proved.

Restricted goods to be deemed run.

179. If any ship or boat shall be found or discovered to have been within any port, bay, harbour, river, or creek of the United Kingdom or the Channel Islands, or within three leagues of the coast thereof if belonging wholly or in part to British subjects, or having half the persons on board subjects of Her Majesty, or within one league if not British, having false bulkheads, false bows, double sides or bottom, or any secret or disguised place adapted

Any vessel or boat arriving within the United Kingdom or the Channel Islands, or within three leagues thereof,

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having prohibited goods on board or attached thereto, forfeited.

Prohibited goods shipped or water-borne with intent to be exported, &c.

for concealing goods, or any hole, tube, pipe, or device adapted for running goods, or having on board or in any manner attached thereto, or having had on board or in any manner attached thereto, or conveying or having conveyed in any manner any spirits, tobacco, or snuff, in packages of any size and character in which they are prohibited to be imported into the United Kingdom or the Channel Islands, or any spirits or tobacco or snuff imported contrary to the Customs Acts, or any tobacco stalks, tobacco stalk flour, or snuff work, or which shall be found or discovered to have been within three leagues of any part of the coast of the United Kingdom from which any part of the lading of such ship or boat shall be or have been thrown overboard, or on board which any goods shall be or have been staved or destroyed to prevent seizure, every such ship or boat, together with any such spirits, tobacco, or snuff, tobacco stalks, tobacco stalk flour, or snuff work, and all packages, casks, or other vessels containing the same, and everything packed therein, and also any cordage or other articles adapted and prepared for slinging or sinking small casks, or any casks or other vessels whatsoever of less size or content than twenty gallons of the description used for the smuggling of spirits found on board, shall be forfeited; and every person who shall be found or discovered to have been on board any ship or boat liable to forfeiture as aforesaid, within three leagues of the coast if a British subject, or within one league if a foreigner, or on board any vessel in Her Majesty's service, or on board any foreign post office packet employed in carrying mails between any foreign country and the United Kingdom having on board any spirits or tobacco in such packages as aforesaid, or any tobacco stalks, tobacco stalk flour, or snuff work, shall forfeit a sum not exceeding one hundred pounds; and every such person may be detained and taken before any justice, to be dealt with as herein-after directed; provided that no person shall be detained whilst actually on board any vessel in the service of a foreign state or country.

Persons found or discovered to have been on board vessels with contraband goods may be detained.

Ships belonging to Her Majesty's subjects, &c. throwing overboard any goods during chase forfeited, and persons escaping deemed British subjects.

180. If any ship or boat belonging wholly or in part to Her Majesty's subjects, or having one half of the persons on board subjects of Her Majesty, shall not bring to upon signal made by any vessel or boat in Her Majesty's service or in the service of the Revenue, by hoisting the proper pendant and ensign, whereupon chase shall be given, and any person on board such ship or boat shall, during chase or before such ship or boat shall bring to, throw overboard any part of her lading, or shall stave or destroy any part thereof to prevent seizure, such ship or boat shall be forfeited; and

all persons escaping from any such ship or boat during chase shall be deemed subjects of Her Majesty, unless the contrary be proved.

SMUGGLING.

Ships not bringing to when required to, penalty 20*l.*

181. If any ship or boat liable to seizure or examination under the Customs Act shall not bring to when required so to do, the master of such ship or boat shall forfeit the sum of twenty pounds; and on such ship or boat being chased by any vessel or boat in Her Majesty's navy, having the proper pendant and ensign of Her Majesty's ships hoisted, or by any vessel or boat duly employed for the prevention of smuggling, having a proper pendant and ensign hoisted, it shall be lawful for the captain, master, or other person having the charge or command of such vessel or boat in Her Majesty's navy, or employed as aforesaid (first causing a gun to be fired as a signal), to fire at or into such ship or boat, and such captain, master, or other person acting in his aid or by his direction shall be and is hereby indemnified and discharged from any indictment, penalty, action, or other proceeding for so doing.

Not bringing to, may be fired into.

Ships may be searched within the limits of the ports.

182. Any officer of Customs or other person duly employed for the prevention of smuggling may go on board any ship or boat which shall be within the limits of any port of the United Kingdom or the Channel Islands, and rummage and search the cabin and all other parts of such ship or boat for prohibited or uncustomed goods, and remain on board such ship or boat so long as she shall continue within the limits of such port.

Ships in port with a cargo, and afterwards found light or in ballast, and cargo unaccounted for, forfeited.

183. If any ship or boat whatever shall be found within the limits of any port of the United Kingdom with a cargo on board, and such ship or boat shall afterwards be found light or in ballast, and the master is unable to give a due account of the port or place within the United Kingdom where such ship or boat shall have legally discharged her cargo, such ship or boat shall be forfeited.

Persons may be searched if officers have reason to suspect smuggled goods are concealed upon them.

184. Any officer of Customs or other person duly employed in the prevention of smuggling may search any person on board any ship or boat within the limits of any port in the United Kingdom or the Channel Islands, or any person who shall have landed from any ship or boat, provided such officer or other person duly employed as aforesaid shall have good reason to suppose that such person is carrying or has any uncustomed or prohibited goods about his person; and if any person shall rescue, destroy, or attempt to destroy any goods to prevent seizure, or obstruct any such officer or other person duly employed as aforesaid in going, remaining, or returning from on board, or in searching such ship or boat or person, or otherwise in the execution of his duty, every such person shall forfeit a sum not exceeding one hundred pounds.

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Persons before search may require to be taken before a justice or officer of Customs.

Penalty on officers for misconduct.

185. Before any person shall be searched he may require to be taken with all reasonable despatch before a justice, or before the collector or other superior officer of Customs, who shall, if he see no reasonable cause for search, discharge such person, but if otherwise, direct that he be searched, and if a female she shall not be searched by any other than a female; but if any officer shall without reasonable ground cause any person to be searched, such officer shall forfeit and pay a sum not exceeding ten pounds. If any passenger or other person on board any such ship or boat, or who may have landed from any such ship or boat; shall, upon being questioned by any officer of Customs or other person duly employed for the prevention of smuggling whether he has any foreign goods upon his person or in his possession or in his baggage, deny the same, and any such goods shall after such denial be discovered to be or to have been upon his person or in his possession or in his baggage, such goods shall be forfeited, and such person shall forfeit one hundred pounds, or treble the value of such goods, at the election of the Commissioners of Customs.

Penalty on persons denying having foreign goods about them.

Illegally importing.

Unshipping.

Removing from quay, wharf, &c.

Carrying goods into warehouse without authority.

Removing from warehouse.

Harbouring.

186. Every person who shall import or bring, or be concerned in importing or bringing into the United Kingdom any prohibited goods or any goods the importation of which is restricted, contrary to such prohibition or restriction, whether the same be unshipped or not; or shall unship, or assist or be otherwise concerned in the unshipping of any goods which are prohibited, or of any goods which are restricted and imported contrary to such restriction, or of any goods liable to duty, the duties for which have not been paid or secured; or shall deliver, remove, or withdraw from any ship, quay, wharf, or other place previous to the examination thereof by the proper officer of Customs, unless under the care or authority of such officer, any goods imported into the United Kingdom or any goods entered to be warehoused after the landing thereof, so that no sufficient account is taken thereof by the proper officer, or so that the same are not duly warehoused; or shall carry into the warehouse any goods entered to be warehoused or to be re-warehoused, except with the authority or under the care of the proper officer of the Customs, and in such manner, by such persons, within such time, and by such roads or ways as such officer shall direct; or shall assist or be otherwise concerned in the illegal removal or withdrawal of any goods from any warehouse or place of security in which they shall have been deposited; or shall knowingly harbour, keep, or conceal, or knowingly permit or suffer, or cause or procure to be harboured, kept, or concealed, any prohibited, restricted, or uncustomed goods, or any goods which shall have been illegally

removed without payment of duty from any warehouse or place of security in which they may have been deposited; or shall knowingly acquire possession of any such goods; or shall be in any way knowingly concerned in carrying, removing, depositing, concealing, or in any manner dealing with any such goods with intent to defraud Her Majesty of any duties due thereon, or to evade any prohibition or restriction of or applicable to such goods; or shall be in any way knowingly concerned in any fraudulent evasion or attempt at evasion of any duties of Customs, or of the laws and restrictions of the Customs relating to the importation, unshipping, landing, and delivery of goods, or otherwise contrary to the Customs Acts; shall for each such offence forfeit either treble the value of the goods, including the duty payable thereon, or one hundred pounds, at the election of the Commissioners of Customs; and the offender may either be detained or proceeded against by summons.

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Smuggling.

Carrying.

Evading duties of Customs.

Penalty treble value, or 100*l.*

187. Every person who shall rescue, or endeavour to rescue, any goods seized by any officer of Customs or other person authorised to seize the same, or before or after seizure shall stave, break, or destroy, or endeavour to stave, break, or destroy any goods, to prevent the seizure or the securing thereof by such officer or other person; or shall rescue any person apprehended for any offence punishable by fine or imprisonment under the Customs Acts, or prevent or attempt to prevent his apprehension; or shall assault or obstruct any officer of the army, navy, marines, coastguard, Customs, or other person duly employed for the prevention of smuggling, in the execution of his duty, or in the seizing of any goods liable to forfeiture under the Customs Acts, or shall aid, abet, or assist in committing any of the foregoing offences, shall for each such offence forfeit a penalty of one hundred pounds.

Rescuing goods.

Rescuing person.

Assaulting, resisting, or obstructing officers.

188. All persons to the number of three or more who shall assemble for or having so assembled shall unship, land, run, carry, convey, or conceal any spirits, tobacco, or prohibited, restricted, or uncustomed goods shall each forfeit a penalty not exceeding five hundred pounds nor less than one hundred pounds.

Penalty for assembling to run goods.

189. Every person who shall by any means procure or hire, or shall depute or authorise any other person to procure or hire, any person or persons to assemble for the purpose of being concerned in the landing or unshipping, or carrying, conveying, or concealing any goods which are prohibited to be imported, or the duties for which have not been paid or secured, shall be imprisoned for any term not exceeding twelve months; and if any person engaged in the commission of any of the above offences be armed with fire-

Procuring or hiring persons to assemble to run goods.

Persons armed or disguised.

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Smuggling. With goods within five miles of coast.

arms or other offensive weapons, or whether so armed or not be disguised in any way, or being so armed or disguised shall be found with any goods liable to forfeiture under the Customs Acts within five miles of the seacoast or of any tidal river, shall be imprisoned with or without hard labour for any term not exceeding three years.

Persons signalling smuggling vessels may be detained and forfeit 100*l.*, or be kept to hard labour for one year.

190. No person shall, after sunset and before sunrise between the twenty-first day of September and the first day of April, or after the hour of eight in the evening and before the hour of six in the morning at any other time of the year, make, aid, or assist in making any signal in or on board or from any ship or boat, or on or from any part of the coast or shore of the United Kingdom, or within six miles of any part of such coast or shore, for the purpose of giving notice to any person on board any smuggling ship or boat, whether any person so on board of such ship or boat be or not within distance to notice any such signal; and if any person, contrary to the Customs Acts, shall make or cause to be made, or aid or assist in making, any such signal, he shall be guilty of a misdemeanor, and may be stopped, arrested, detained, and conveyed before any justice, who, if he see cause, shall commit the offender to the next county gaol, there to remain until delivered by due course of law; and it shall not be necessary to prove on any indictment or information in such case that any ship or boat was actually on the coast; and the offender, being duly convicted, shall, by order of the court before whom he shall be convicted, either forfeit the penalty of one hundred pounds, or, at the discretion of such court, be committed to a gaol or house of correction, there to be kept to hard labour for any term not exceeding one year.

Proof of a signal not being intended on defendant.

191. If any person be charged with having made or caused to be made, or for aiding or assisting in making, any such signal as aforesaid, the burden of proof that such signal so charged as having been made with intent and for the purpose of giving such notice as aforesaid was not made with such intent and for such purpose shall be upon the defendant against whom such charge is made.

Any person may prevent signals.

192. Any person whatsoever may prevent any signal being made as aforesaid, and may go upon any lands for that purpose, without being liable to any indictment, suit, or action for the same.

Persons shooting at boats belonging to navy or revenue service, guilty of felony.

193. If any person shall maliciously shoot at any vessel or boat belonging to Her Majesty's navy, or in the service of the revenue, or shall maliciously shoot at, maim, or wound any officer of the army, navy, marines, or coastguard being duly employed in the prevention of smuggling and on full pay, or any officer of Customs or Excise, or any person acting in his aid or assistance, or duly

employed for the prevention of smuggling, in the execution of his office or duty, every person so offending, and every person aiding, abetting, or assisting therein, shall, upon conviction, be adjudged guilty of felony, and shall be liable, at the discretion of the court, to penal servitude for any term not less than five years, or to be imprisoned for any term not exceeding three years.

Officers may haul their vessels on shore without being liable to suit.

194. The officer in charge of any vessel or boat employed for the prevention of smuggling or acting in his aid may haul any such vessel or boat upon any part of the coasts of the United Kingdom, or the shores, banks, or beaches of any river, creek, or inlet of the same, (not being a garden or pleasure ground, or place ordinarily used for any bathing machine or machines,) which shall be deemed most convenient for that purpose, and moor any such vessel or boat on such part of the aforesaid coasts, shores, banks, and beaches below high-water mark, and over which the tide flows on ordinary occasions, and to continue such vessel or boat so moored as aforesaid for such time as he shall deem necessary and proper; and such officer, or person aiding him, shall not be liable to any indictment, action, or suit for so doing.

Penalty on persons cutting adrift vessels belonging to the Customs.

195. Every person who shall cut away, cast adrift, remove, alter, deface, sink, or destroy, or in any other way injure or conceal any vessel, boat, buoy, anchor, chain, rope, or mark in the charge of or used by any person for the prevention of smuggling, or in or for the use of the service of the Customs, shall for every such offence forfeit the sum of ten pounds.

Officers of army, &c. may patrol coasts without being liable to suit.

196. Any officer of the army, navy, marines, or coastguard being duly employed for the prevention of smuggling and on full pay, or any officer of Customs, or any person acting in his aid, or duly employed for the prevention of smuggling, when on duty, may patrol upon and pass freely along and over any part of the coasts of the United Kingdom, or any railway, or the shores or banks of any river, creek, or inlet of the same (not being a garden or pleasure ground); and any such officer or person so patrolling shall not be liable to any indictment, action, or suit for so doing.

Where persons are taken before justices for offences under the Customs Acts, such justices may order them to be de-

197. Any person brought before any justice for any offence against the Customs Acts, in respect of which such justice is not empowered to proceed summarily, may by his order be detained in gaol or in the custody of the police or constabulary force a reasonable time to obtain the order of the Commissioners of Customs or Inland Revenue, and to prepare the necessary information and warrant of commitment, and at the expiration of such time to be brought before him or any other justice to hear and determine the

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tained or admitted to bail.

matter; or if any information shall have been preferred before any justice against any person for any such offence, and it shall be made to appear to such justice that such person is likely to abscond, such justice may, in lieu of issuing a summons for his appearance, grant his warrant to bring such offender before him or any other justice at a time and place to be named in such warrant for the hearing of such information, but such person may be liberated, on giving security to the satisfaction of such justice in such sum as he may see fit, to appear at any time and place appointed by such justice for hearing the case.

Persons in Her Majesty's service detained to be secured on board until warrant procured.

198. Where any person, being part of the crew of any ship in Her Majesty's employment or service, shall have been detained under the Customs Acts, such person, upon notice thereof to the commanding officer of the ship, shall be placed in security by such commanding officer on board such ship or vessel, until required to be brought before a justice to be dealt with according to law, for which purpose such commanding officer shall deliver him to the detaining officer.

Any person escaping may afterwards be detained.

199. If any person liable to be detained under the Customs Acts shall not be detained at the time of committing the offence, or being detained shall escape, he may afterwards be detained at any place in the United Kingdom within three years from the time such offence was committed, and if detained may be taken before any justice to be dealt with as if he had been detained at the time of committing such offence, or if not so detained may be proceeded against by information and summons.

Only officers to take up spirits in casks sunk or floating upon the sea, and persons giving information may be rewarded.

200. If any person not being an officer of the navy, Customs, or Excise shall intermeddle with or take up any spirits being in casks of less content than twenty gallons found floating upon or sunk in the sea, such spirits shall be forfeited, together with any vessel or boat in which they may be found; but if any person shall give information to any such officer so that seizure of such spirits may be made, he shall be entitled to such reward as the Commissioners of Customs may direct.

Penalty for offering goods for sale on pretence of being smuggled.

201. If any person shall offer for sale any goods under pretence that the same are prohibited, or have been unshipped and run ashore without payment of duties, all such goods (although not liable to any duties or prohibited) shall be forfeited, and every person so offering the same for sale shall forfeit treble the value of such goods.

Ships, &c. in the removal of

202. All ships, boats, carriages, or other conveyances, together with all horses and other animals and things made use of in the

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Smuggling.

importation, landing, removal, or conveyance of any uncustomed, prohibited, restricted, or other goods liable to forfeiture under the Customs Acts shall be forfeited, and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things liable to forfeiture, and all persons liable to be detained for any offence under the Customs Acts, or any other Act whereby officers of Customs are authorised to seize or detain persons, goods, or other things, shall or may be seized or detained in any place either upon land or water by any of the following persons, being duly employed for the prevention of smuggling, that is to say, any officer of Her Majesty's army, navy, marines, coastguard, Customs, or Excise, or by any person having authority from the Commissioners of Customs or Inland Revenue to seize, or by any constable or police officer of any county, city, or borough in the United Kingdom so employed with the sanction of the magistrates having jurisdiction therein, or under or by virtue of any Act in relation thereto; and all ships, boats, goods, carriages, or other conveyances, together with all horses and other animals and things so seized, shall forthwith be delivered into the care of the collector or other proper officer of Customs at the nearest Custom House; and the forfeiture of any ship, boat, carriage, animal, or other things shall be deemed to include the tackle, apparel, and furniture thereof, and the forfeiture of any goods shall be deemed to include the package in which the same are found and all the contents thereof.

raw goods to be forfeited.

Ships, boats, &c. and persons may be detained.

Seizures to be taken to the nearest Custom House.

203. Any officers of Customs, Excise, coastguard, constabulary, police, or other person duly employed for the prevention of smuggling, may upon reasonable suspicion or probable cause stop and examine any cart, waggon, or other conveyance, to ascertain whether any smuggled goods are contained therein; and if none shall be found the officer or other person shall not on account of such stoppage and examination be liable to any prosecution or action at law on account thereof, and any person driving or conducting such cart, waggon, or other conveyance refusing to stop or allow such examination when required in the Queen's name, shall forfeit not less than twenty nor more than one hundred pounds.

Officers of Customs may on probable cause stop carts, &c., and search for goods.

204. All writs of assistance issued from the Court of Exchequer or other proper court shall continue in force during the reign for which they were granted and for six months afterwards; and any officer of Customs or person acting under the direction of the Commissioners of Customs having such writ of assistance or any warrant

Officers authorised by writ of assistance or warrant may search houses for uncus-

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tomed or prohibited goods.

issued by a justice of the peace may, in the daytime, enter into and search any house, shop, cellar, warehouse, room, or other place, and in case of resistance, break open doors, chests, trunks, and other packages, and seize and bring away any uncustomed or prohibited goods, and put and secure the same in the Queen's warehouse, and may take with him any constable or police officer, who may act as well without as within the limits of the district or place for which he shall have been sworn or appointed.

Officers may search premises by warrant granted on reasonable cause shown.

205. If any officer of Customs shall have reasonable cause to suspect that any uncustomed or prohibited goods are harboured, kept, or concealed in any house or other place either in the United Kingdom or the Channel Islands, and it shall be made to appear by information on oath before any justice of the peace in the United Kingdom or the Channel Islands, it shall be lawful for such justice, by special warrant under his hand, to authorise such officer to enter and search such house or other place, and to seize and carry away any such uncustomed or prohibited goods as may be found therein; and it shall be lawful for such officer, and he is hereby authorised, in case of resistance, to break open any door, and to force and remove any other impediment or obstruction to such entry, search, or seizure as aforesaid; and such officer may if he see fit avail himself of the service of any constable or police officer to aid and assist in the execution of such warrant, and any constable or other police officer is hereby required when so called upon to aid and assist accordingly.

Goods stopped by police officers may be retained until trial of persons charged with stealing them.

206. If any such goods liable to duties of Customs, or prohibited to be imported, or in any way restricted, shall be stopped or taken by any police officer on suspicion that the same had been feloniously stolen, he may carry the same to the police office to which the offender if detained is taken, there to remain until and in order to be produced at the trial of such offender, and in such case the officer is required to give notice in writing to the Commissioners of Customs of such stoppage or detention, with the particulars of the goods, but immediately after such stoppage if the offender be not detained, or if detained immediately after the trial of such offender, such officer shall convey to and deposit the goods in the nearest Customs warehouse, to be proceeded against according to law; and if any police officer so detaining any such goods shall neglect to convey the same to such warehouse, or to give the notice herein-before prescribed, he shall forfeit a sum not exceeding twenty pounds.

Notice to be given by seizing officer to owner of ships or goods seized, and seizures to be claimed within one month.

207. Whenever any seizure shall be made, unless in the possession or in the presence of the offender, master, or owner as forfeited under the Customs Acts or under any Act by which Customs officers are empowered to make seizures, the seizing officer shall give notice in writing of such seizure and of the grounds thereof to the master or owner of the things seized, if known, either by delivering the same to him personally or by letter addressed to him and transmitted by post to or delivered at his last known place of abode or business, if known; and all seizures made under the Customs Acts or under any Act by which Customs officers are empowered to make seizures shall be deemed and taken to be condemned, and may be sold or otherwise disposed of in such manner as the Commissioners of Customs may direct, unless the person from whom such seizure shall have been made, or the master or owner thereof, or some person authorised by him, shall, within one calendar month from the day of seizure, give notice in writing, if in London, to the person seizing the same, or to the secretary or solicitor for the Customs, and if elsewhere, to the person seizing the same, or to the collector or other chief officer of the Customs at the nearest port, that he claims the things so seized or intends to claim them, whereupon proceedings shall be taken for the forfeiture and condemnation thereof either by information filed in the Exchequer Division of the High Court of Justice in England on the Revenue side, or exhibited before any justice of the peace; but if any things so seized shall be of a perishable nature, or consist of horses or other animals, the same may by direction of the Commissioners of Customs be sold, and the proceeds thereof retained to abide the result of any claim that may legally be made in respect thereof.

Perishable goods, &c. may be sold.

Seizures may be disposed of as Commissioners of Customs direct.

208. All seizures whatsoever which shall have been made and condemned under the Customs Acts or any other Act by which seizures are authorised to be made by officers of Customs shall be disposed of in such manner as the Commissioners of Customs may direct.

Seizures may be restored and punishments mitigated.

209. When any seizure shall have been made, or any fine or penalty incurred or inflicted, or any person committed to prison for any offence under the Customs Acts, the Commissioners of the Treasury or Customs may direct the restoration of such seizure, whether condemnation shall have taken place or not, or waive proceedings, or mitigate or remit such fine or penalty, or release from confinement either before or after conviction such person on any terms and conditions as they shall see fit.

SMUGGLING.

Compensation and rewards.

Officers wounded to be provided for, &c.

As to compensation and rewards.

210. If any officer or seaman employed in the service of the Customs or Inland Revenue shall be killed, maimed, wounded, or in any way injured in the due execution of his office, or if any person acting in his aid or duly employed for the prevention of smuggling shall be so killed, maimed, wounded, or in any way injured while so aiding such officer or seaman or so employed, the Commissioners of Customs or Inland Revenue respectively may, with the sanction of the Commissioners of the Treasury, make such provision for such officer or person, or for the widows and families of such as shall be killed, as they may see fit.

Rewards for detaining smugglers.

211. The Commissioners of Customs may award to any officer or any person detaining any person liable to detention under the Customs Acts, if convicted, such reward as they may think fit, not exceeding the sum of twenty pounds for each person.

Rewards out of penalties.

212. The Commissioners of Customs may order such reward as they see fit out of any pecuniary penalty or composition to any officer or other person by whose means the same is recovered.

Rewards to officers making seizures.

The Treasury or Commissioners of Customs to fix the value of spirits and tobacco.

213. The Commissioners of Customs may order to be paid in respect of any seizure made under the Customs Acts, to the person or persons making the same, such rewards as they may see fit, not exceeding the value of the goods or things so seized, and for this purpose the value of spirits and tobacco seized as aforesaid shall be deemed and taken to be such as the Lords of the Treasury or the Commissioners of Customs may think fit.

How value is to be ascertained.

214. In all cases where any penalty the amount of which is to be determined by the value of any goods is directed to be sued for under any Act relating to the Customs or Excise, such value shall, as regards proceedings in any court or before justices, be estimated and taken according to the rate and price for which goods of the like kind but of the best quality upon which the duties of importation shall have been paid were sold at or about the time of the offence, or according to the rate and price for which the like sort of goods were sold in bond at or about the time of the offence, with the duties due thereon added to such rate or price in bond, except as to tobacco stalks, tobacco stalk flour, and stalk-work, or any tobacco of a kind prohibited to be imported, the value of which shall, for the purpose of any suit or proceeding under this or any Act relating to the Customs, be estimated at the market price of the best sort of tobacco, with the highest rate of duty then chargeable on the importation of manufactured tobacco added thereto.

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All rewards and seizures payable to officers of army, navy, or marines to be regulated by Order in Council.

215. Every reward or share of any seizure or of the value thereof payable to any officer or officers, non-commissioned officers, petty officers, seamen, or privates of Her Majesty's army, navy, or marines, or acting under the orders of the Lord High Admiral or Commissioners of the Admiralty, shall be divided and distributed in such proportions, and according to such rules, regulations, and orders, as Her Majesty shall by Her Order or Orders in Council or by Her Royal Proclamation in that behalf be pleased to direct and appoint.

Commissioners may distribute officers shares of seizure so as to reward persons not actually present.

216. The Commissioners of Customs or Inland Revenue respectively may, in case of any seizure of ships, boats, or goods, or of the apprehension of any parties, under this or any other Act relating to the Customs, direct the distribution of the seizor's share of such ships, boats, or goods, or of any penalties or rewards that may be recovered on account of any seizure so that any other person through whose information or means such seizure shall have been made or penalty recovered or party apprehended, and who may by them be deemed to be so entitled, may participate in such proportions as the said Commissioners shall respectively deem expedient.

Collusive seizures.

Penalty on officers and persons making collusive seizures, or taking bribes, and on persons offering them.

As to collusive seizures.

217. If any officer of Customs or other person duly employed for the prevention of smuggling shall make any collusive seizure, or deliver up, or make any agreement to deliver up or not to seize any vessel or boat or any goods liable to forfeiture, or shall take any bribe, gratuity, recompense, or reward for the neglect or non-performance of his duty, or conspire or connive with any person to import or bring into the United Kingdom or the Channel Islands or any of the British Possessions abroad, or be in any way concerned in the importation or bringing into the United Kingdom or the said islands or possessions, of any goods prohibited to be imported or liable to duties of Customs, for the purpose of seizing any ship, boat, or goods, and obtaining any reward for such seizure or otherwise, every such officer or other person shall forfeit for every such offence the sum of five hundred pounds, and be rendered incapable of serving Her Majesty in any office, either civil, naval, or military; and every person who shall give or offer, or promise to give or procure to be given, any bribe, recompense, or reward to, or shall make any collusive agreement with, any such officer or person as aforesaid to induce him in any way to neglect his duty, or to do, conceal, or connive at any act whereby any of the provisions of any Act of Parliament relating to the Customs may be evaded, shall forfeit the sum of two hundred pounds.

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AS TO THE COURSE OF PROCEDURE FOR RECOVERING PENALTIES, ENFORCING FORFEITURES, AND PUNISHING OFFENDERS UNDER THE CUSTOMS ACTS.

How penalties, &c. to be sued for.

218. All duties, penalties, and forfeitures incurred under or imposed by the Customs Acts, and the liability to forfeiture of any goods seized under the authority thereof, may be sued for, prosecuted determined, and recovered by action, information, or other appropriate proceeding in the High Court of Justice in England, or by action of debt, information, or other appropriate proceeding in the superior courts of common law at Dublin or Edinburgh, or in the royal courts of the Islands of Guernsey, Jersey, Alderney, Sark, or Man, in the name of the Attorney General for England or Ireland respectively, or of the Lord Advocate of Scotland, or of some officer of Customs or Excise, or by information in the name of some officer of Customs or Excise, before one or more justice or justices in the United Kingdom, the Isle of Man, or the Channel Islands: Provided always, that the forty-fourth section of the second and third Victoria, chapter seventy-one, shall not apply to any offence against the Customs Laws.

Proviso where the duties and penalties sought to be recovered shall not exceed 100*l*.

Execution may issue after trial out of term.

219. In any case where a verdict is or shall have been obtained at the suit of the Crown against any defendant in any of the superior courts, execution thereon may issue on or after the expiration of fourteen days from the date of such verdict, in the same manner as execution may issue in any case under the one hundred and twentieth section of "The Common Law Procedure Act, 1852," unless the judge who tried the cause, or some other judge, or the court, shall order execution to issue at any earlier or later period, with or without terms.

Penalty and costs to be stated in convictions, &c.

220. When any person is convicted and adjudged to pay a pecuniary penalty for any offence against the Customs Acts, and such person shall be committed in default of payment of penalty and costs, the amount of costs awarded to be paid by such person, as well as the penalty so adjudged, shall be stated in the conviction and also in the commitment.

Where proceeding by capias is waived in favour of the subject, justices may issue warrant and admit to bail.

221. Whenever the Commissioners or the proper officer of Customs shall proceed by information against any person for any offence under the Customs Acts before any justice, instead of proceeding in the Exchequer Division of the High Court of Justice, where a capias might be issued for arresting and holding the offender to bail, such justice may, on sufficient information on oath that the offence has been committed, issue his warrant to bring such offender before him or any other justice, and on his being so

brought to require him to give security in such amount as he may deem sufficient to appear before him or any other justice at a time and place appointed for the hearing of the case, and in default of such security to commit such offender to gaol, or to the custody of the police or other constabulary force.

Penalties joint and several may be sued for by joint and several information.

222. When by the Customs Acts a penalty jointly and severally shall have been incurred by any number of persons, such persons may be proceeded against jointly by one information, or severally by separate informations, as Her Majesty's Attorney General for England or Ireland, and as the Lord Advocate of Scotland, or the Commissioners of Customs respectively may deem expedient; and in case of a proceeding against such several persons by joint information for recovery of the penalty or penalties so severally incurred by each, the penalty or penalties shall be recoverable against each, notwithstanding that any one or other of such persons so jointly proceeded against may have allowed judgment to go by confession or default, or that the penalty adjudged to be paid by any one or other of the defendants so jointly sued may be for a different amount from that of the penalty in which any one or other of such several persons may be convicted, or that any one or other of such several persons so jointly prosecuted may be acquitted; and no judgment on any such information shall be reversed or avoided, or error in law alleged therein, on the ground of any such judgment being obtained by confession or default of any of the persons, nor on account of any difference in the amount of the penalty or penalties in which any one or more of such persons may be convicted, or the acquittal of any such persons; but every such judgment shall be valid and effectual against any or all of the said several persons so jointly proceeded against, and for the full amount of the penalty or penalties in which such person or persons shall have been severally or respectively convicted.

Informations, convictions, &c. to be in form, &c. in Schedule C.

223. All informations exhibited before any justice for any offence committed against or forfeiture incurred under this or any other Act relating to the Customs, and all summonses, convictions, and condemnations for such offences and forfeitures, and all warrants of any justice founded upon such convictions, may be in the form or to the effect in Schedule C. to this Act; and the form of information given in the said schedule, and the counts therein contained with reference to any offences created by or punishable under the several sections of this Act to which the same or any of them relate, shall be applicable to and sufficient for all purposes in the prosecution of such offences and forfeitures; and where two or more counts

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are given upon the same section those counts may be used which apply most nearly to the circumstances of the case; and any one or more of the said counts may be included in the same information, together with any other count or counts; and any one or more of the words or paragraphs descriptive of offences charged in any one or more of the counts in the same form of information, separated from the others by the word *or* in italics, may be used exclusively of the others, in conjunction with any other part of such form, and in any case, or for any offence or forfeiture for which no count is given in the said schedule, such count or counts may be substituted or added as circumstances may require; and every such information and every conviction and warrant of commitment or condemnation for such offence or forfeiture shall be deemed valid and sufficient in which the offence or forfeiture is set forth either in the words of the Act or Acts by which the penalty for such offence has been inflicted or under which any forfeiture has been incurred, or in the words of the information by this Act prescribed; and where in any such forms the word "Customs" is used to describe the Commissioners or officers of Customs, the words "Inland Revenue" or "Excise" may be substituted, as the case may require, and the like counts shall be applicable to and sufficient for the like purposes, and be used in like manner in any information filed in any court having jurisdiction in such cases under this or any Act relating to the Customs; and no conviction, warrant of commitment, or condemnation shall be held void by reason of any defect therein; and no party shall be entitled to be discharged out of custody on account of such defect, provided it be alleged in such warrant that the said party has been convicted of such offence, and that it shall appear to the court or judge before whom such warrant is returned that such conviction proceeded upon good and valid grounds; and every such warrant may be executed by any officer of Customs, and in any part of the United Kingdom, without further endorsement or sanction than that of the justice issuing the same; and no objection shall be taken or allowed to any information, complaint, or summons for any alleged defect therein in substance or in form, or for any variance between such information, complaint, or summons and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint.

Justices may summon offender.

224. Upon the exhibiting of any information before any justice against any person for any offence against the Customs Acts for which offence the party charged is not liable to be detained, or being liable shall not be detained, or by which any penalty or for-

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feiture shall be sought to be recovered, or any punishment of hard labour sought to be inflicted, within three years next after the commission of the offence, such justice may from time to time and at any time afterwards issue his summons directed to such party, stating shortly the matter of such information, and requiring him personally to appear at a certain time or place before him or any other justice to answer to the said information, and to be further dealt with according to law.

On attendance of the party on the day and place appointed, justices may hear and determine the case.

225. If on the day and at the place appointed in such summons the party so summoned shall appear before such justice, then such justice shall proceed to hear and determine the matter of such information, and on proof thereof, either upon the confession of the party or upon the oath of one or more credible witness or witnesses, shall convict the party charged in such information, but if the party so summoned shall fail so to appear, then if it be proved upon oath or affirmation to the justice then present that such summons was duly served at a reasonable time before the day appointed for his appearance, such justice may proceed ex-parte to hear such information and adjudicate thereon as if such party had personally appeared before him in obedience to such summons.

On non-appearance, justice to proceed as if he had appeared.

Justices may condemn goods liable to forfeiture.

226. When any information shall have been exhibited before any justice for the forfeiture of any goods seized under the Customs Acts, such justice is hereby required to summon the owner of such goods or the person from whom they were seized to appear before him or any other justice, and upon his or her appearance or default to appear, due service of such summons being proved, such justice may proceed to the examination of the matter, and on proof that the goods are liable to forfeiture under the Customs Acts may condemn the same.

Summons to be served personally, or by leaving same at last known place of abode.

227. Every summons issued by a justice of the peace under the Customs Acts, either to bring any person before him to answer any information or complaint, or any person to appear before him to testify what he may know concerning the matter of such information, wherever in the United Kingdom such person may be or reside, shall be deemed to be sufficiently served by any officer of Customs or other duly authorised person delivering the same to the party summoned personally, or by leaving the same at his last known place of abode or business in the United Kingdom, or on board any ship or vessel to which he may belong or may have lately belonged.

Penalty for neglecting to attend.

228. If any person so summoned to testify as aforesaid shall refuse or neglect to appear at the time and place appointed in such

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summons by the justice issuing the same, and no just excuse shall be offered for such neglect or refusal, then, after due proof of the service of such summons, or if such person having appeared in obedience to such summons shall refuse to take oath, or, if a person having legal power to make affirmation, refuse to affirm, or shall refuse to give evidence or answer to the best of his knowledge and belief any legal question required of him, he shall for every such default or offence forfeit such sum not exceeding twenty pounds as the justice shall see fit.

Offences on the water, &c., and jurisdiction.

229. Where any offence shall be committed in any place upon the water not being within any county of the United Kingdom, or where the officers have any doubt whether such place is within the boundaries or limits of any such county, such offence shall for the purposes of the Customs Acts be deemed and taken to be an offence committed on the high seas; and for the purpose of giving jurisdiction under such Acts every offence shall be deemed to have been committed, and every cause of complaint to have arisen, either in the place in which the same actually was committed or arose, or in any place on land where the offender or person complained against may be or be brought.

Justice of adjoining county may act when required.

230. When the attendance of any justice having jurisdiction in the county where the offence is committed cannot be conveniently obtained, any magistrate of any neighbouring or adjoining county to that in which the offence was deemed to have been committed may hear and determine any information exhibited before him, and he shall for that purpose have the same powers and authorities as a justice for the county in which the offence was or was deemed to have been committed.

Justices of counties to have concurrent jurisdiction in cities, boroughs, &c. situate in such counties.

231. Where any offence against the Customs Acts shall be committed in any city, borough, liberty, division, franchise, or town corporate, any justice having jurisdiction therein, and any justice of any county within which the same is or are situated, shall have jurisdiction to hear and determine the same; and all powers vested in any justice of the peace by virtue of this Act shall be and the same are hereby vested in and may be exercised in the Isle of Man or the Channel Islands by any governor, deputy governor, bailiff, chief magistrate, deemster, jurat, or other magistrate of the said isle or islands; and for the purposes of the Customs Acts the jurisdiction of the magistrates of the borough of Gravesend in the county of Kent shall be deemed to extend on the river Thames from Yantlet Creek to Broadness Point in the Northfleet Hope, and shall

include every part of the said river between those limits respectively.

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Justice may commit in default of payment of penalty until paid.

Small Penalties Act, 1865, not applicable to Customs.

232. If any penalty incurred for any offence under the Customs Acts be not paid on conviction, the convicting justice shall forthwith commit the offender to any of Her Majesty's gaols within his jurisdiction, there to remain for such term as is herein-after provided, or until the penalty shall be paid; and "The Small Penalties Act, 1865," shall not apply to any penalty imposed by the Customs Acts; and where such party is convicted of any offence for which the punishment of hard labour is inflicted, such justice shall commit such party to any gaol or house of correction, there to be kept to hard labour for such time as may be authorised by the Customs Acts.

Justices may commit in certain cases without order of Commissioners.

When quantity of spirits is less than 5 gallons, or of tobacco less than 20 lbs.

Where quantity between 5 and 20 gallons spirits, or from 20 to 80 lbs. tobacco, justices may mitigate.

Above 20 gallons spirits, or 80 lbs. tobacco, no mitigation by justices.

233. When any person shall be brought before a justice for any offence against the Customs Acts for which a pecuniary penalty is thereby imposed, if the goods in respect of which he shall have been so brought shall not consist of spirits or tobacco, or being spirits or tobacco shall not exceed five gallons of spirits or twenty pounds weight of tobacco, such justice may proceed summarily upon the case without information or direction of the Commissioners of Customs, and if such person shall be convicted, such justice may adjudge that he shall, in lieu of any other penalty, forfeit a sum not less than the single nor more than the treble value of such goods, including the duty of importation thereof, and in default of payment commit such person to any of Her Majesty's gaols for any period not less than fourteen days, nor more than one month; and if such spirits or tobacco shall exceed five gallons but not exceed twenty gallons of spirits, or shall exceed twenty pounds weight of tobacco but not exceed eighty pounds weight, such person shall forfeit a sum equal to treble the duty-paid value of such spirits or tobacco, or one hundred pounds, at the election of the Commissioners of Customs, and if proceeded against for the latter and convicted, such justice may mitigate the penalty to any sum not less than one fourth, and in default of payment of the penalty or mitigated penalty so imposed may commit the offender to any of Her Majesty's gaols until the same be paid; and if such spirits shall exceed twenty gallons, or such tobacco shall exceed eighty pounds weight, such person shall forfeit a sum equal to treble the value of such spirits or tobacco, or one hundred pounds, at the election of the Commissioners of Customs, and shall upon conviction forthwith pay, without any mitigation, the penalty imposed, and in default thereof the said justice shall commit the person so convicted to any of Her Majesty's gaols, there to remain until such penalty shall be paid.

Persons arriving in ships from

234. It shall be lawful for Her Majesty in Council, or any two of the Lords of Her Majesty's Privy Council, from time to time, by

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infected places not to land before examination.

her or their order, to require that no person on board any ship coming to any port in the United Kingdom, the Channel Islands, or the Isle of Man, from or having touched at any place out of the United Kingdom abroad where they have reason to apprehend that yellow fever or other highly infectious distemper prevails, shall quit such vessel before the state of health of the persons on board shall have been ascertained, on examination by the proper officer of Customs, at such place or places as may from time to time be appointed by the Commissioners of Customs for such purpose, and before permission to land shall have been given by such officer, whether or not it shall on or after such examination be found expedient to order such vessel under the restraint of quarantine, and any person so quitting any such vessel shall forfeit a sum not exceeding one hundred pounds; and if the master, pilot, or person in charge of such ship shall not, on arrival at such place, hoist and continue such signal as shall be directed by such order, until the proper officer shall have given permission to haul down the same, he shall forfeit a like penalty; and such penalties or either of them if incurred, and any penalty incurred under the Act of the sixth year of the reign of King George the Fourth, chapter seventy-eight, shall be subject to reduction to any sum not exceeding one hundred pounds, and may be recovered by information and summons before a stipendiary magistrate, or any two justices of the peace, who are hereby authorised to reduce the same accordingly, and to commit the offender to prison in default of payment of any penalty so imposed for any period not exceeding six months.

Penalties and forfeitures to be paid to Commissioners.

235. All penalties and forfeitures recovered, and all sums, including justices clerks fees, awarded to be paid as costs to or for Her Majesty under this or any other Act relating to the Customs, shall be paid to the Commissioners of Customs, and all penalties, forfeitures, and costs recovered under any Act relating to the Excise shall be paid to the Commissioners of Inland Revenue, or to the persons appointed by such Commissioners respectively to receive the same, and such penalties, forfeitures, and costs shall be applied by such Commissioners respectively in such manner as the law directs.

Any person committed in default of payment of a penalty less than 100*l.* to be discharged by gaoler in six months if not duly released.

236. Where any person shall have been committed to prison by any justice for nonpayment of any penalty incurred under the Customs Acts less than one hundred pounds, the gaoler or keeper of such prison is hereby authorised and required to discharge such person at the end of six months from the date of his imprisonment on such committal.

Persons previously convicted

237. When any verdict shall pass or conviction be had against any person for any offence against the Customs Acts and he shall

have been adjudged to pay a penalty exceeding one hundred pounds, the presiding judge or justice may, if for a first offence, commit the offender to prison for not less than six nor more than nine months, and if for a subsequent offence, may order that the offender shall, in lieu of payment of the penalty, be imprisoned in gaol or house of correction, with or without hard labour, for a period not less than six nor more than twelve months, and the governor or keeper of such gaol or house of correction is hereby required to receive any person committed under such order.

may, on verdict, be imprisoned in house of correction.

238. When any person shall have been convicted of any offence against the Customs Acts for which such person is liable to be sentenced to hard labour before any justice within whose jurisdiction there is no house of correction, such justice shall and may, by warrant under his hand and seal, commit such offender to the gaol or house of correction nearest to the place where such offender is convicted; and the governor or keeper of such gaol or house of correction is hereby required to receive such offender and to obey such warrant in all respects as if such gaol or house of correction was within the jurisdiction of such justice.

Justices may commit to nearest house of correction, if none in their jurisdiction.

239. Where any person shall have been convicted of any offence against the Customs Acts for which such person would be liable to be committed to hard labour, the justice before whom such person is so convicted may, if such person be a female or if a male from physical infirmity incapable of hard labour, order and adjudge that such person shall be imprisoned in any gaol within their jurisdiction without hard labour, stating the cause of mitigation in the warrant of commitment.

Justices may commute hard labour where offender is a female or infirm.

240. When any person shall have been convicted before any justice of any offence against the Customs Acts for which such person is liable to be committed to hard labour, and it shall at any time during the imprisonment of such person be made to appear to the said or any other justice that such person had before been convicted of a similar offence, it shall be lawful for either of such justices, and he is hereby required, to commit such offender to some house of correction to be kept to hard labour for not less than nine nor more than twelve months in the whole from the date of the first commitment, and to amend the warrant of commitment accordingly, and without including in such amendment any reference to the former conviction; and any gaoler in whose custody such person shall be is hereby required, upon a written order signed by any justice, to produce such person before such last-mentioned or any other justice having jurisdiction therein; and any married woman

If prisoner be found to have been previously convicted, imprisonment may be extended.

Married women may be committed.

or left at his office four clear days before the return of such writ or order; and with respect to all such writs or orders, there shall be an interval of four clear days at least between the day of issue and the day of the return thereof, and any such writ or order issuing without notice, or not in conformity with the directions herein contained, shall be void to all intents and purposes.

Prisoners against whom informations are exhibited to be brought up by habeas corpus or judge's order.

245. Where any person against whom an information shall be exhibited before a justice of the peace under the Customs Acts shall be in prison on any account whatever at the time appointed for the hearing of such information, the Commissioners of Customs shall cause to be obtained and issued out of the Exchequer Division of the High Court of Justice in England, or out of the Court of Exchequer in Scotland or Ireland, as the case may require, a writ of habeas corpus or a judge's order directed to the governor or keeper of the prison in which such person shall be confined, commanding him to convey such person to the place of hearing to be specified in such writ or order, in order that the said person may answer the said information and attend the trial thereof; and such writ of habeas corpus or judge's order shall be issued out of either of the said courts, on application made by the Solicitor for the Customs on behalf of the said Commissioners, to any judge of the High Court of Justice in England, or to any baron or judge of any of the superior courts of law in Scotland and Ireland respectively; and it shall be lawful for the justice or magistrate before whom any such information shall be brought for adjudication to refuse to proceed with the said information in the absence of the person charged, when satisfactory proof shall be made that such person is confined in prison.

As to justices clerks fees in Customs prosecutions.

Justices clerks fees.

246. The fees payable to justices clerks in respect of prosecutions under the Customs Acts shall be in accordance with the Table of Fees to this Act annexed.

As to proceedings in superior courts for penalties.

Superior courts.

Procedure for penalties.

247. All suits, prosecutions, or informations for recovery of penalties under the Customs Acts in the High Court of Justice in England or in any of Her Majesty's Courts of Record at Dublin or Edinburgh may be commenced either by writ of subpœna or capias as the first process at the election of the Commissioners of Customs, in which shall be specified the amount of the penalty or penalties sued for, and, if by capias, the person against whom

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such capias shall issue shall be bound with two sufficient sureties to the party to whom such capias shall be directed to appear in the court out of which such capias shall issue at the day of the return of such writ to answer such information, and shall likewise at the time of such appearing to be bound to Her Majesty, her heirs and successors, with two sufficient sureties, or, by leave of the court or a judge, more than two, to be acknowledged in the same court, to answer and pay all the penalties so sued for, or such other sum, not exceeding the penalty or penalties sought to be recovered, as the Commissioners of Customs, or the judge upon whose fiat such capias shall issue, may see fit, in case such person shall be convicted thereof, or to yield the body of such person to prison, and in default of being bound by such respective sureties the person against whom such capias shall issue shall be taken to prison.

Service of subpœna.

248. If in any case the Commissioners of Customs waive the right of issuing writ of capias, and elect to proceed by subpœna, service of a copy of such subpœna, either on the defendant personally or by leaving the same at his last known place of abode or business anywhere in the United Kingdom or on board any ship or vessel to which such defendant may belong or have lately belonged, shall be deemed to be sufficiently served.

Judgment by default for non-appearance or want of plea.

249. Any person arrested under such capias and imprisoned for want of sufficient bail shall be served with a copy of the information filed against him either personally or by delivery of a true copy thereof to the gaoler, keeper, or turnkey of the prison in which such person shall have been confined; and in default of such person's appearing to such process and pleading to such information for the space of twenty days, to be computed from the date of such service, judgment shall be entered by default; and in case judgment shall be obtained against any such person by default, verdict, or otherwise, and such person shall not pay the sum recovered against him, execution shall thereupon issue, not only against the body of the person so imprisoned as aforesaid, but against all the real and personal estate of such person, or any other person in trust for him, for such sum or sums of money so as aforesaid recovered against him, together with the costs, poundage, fees, and expenses of execution over and above the sum recovered.

Execution may issue to sheriff of any county without reference to venue.

250. Every such execution may be directed in the first instance to the sheriff of any county or county of a city or other shrievalty as the party suing out the same may think fit, without reference to the county in which the venue is laid, and without any suggestion of the issuing of any prior writ of execution into such county.

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Impoverished persons may sue in forma pauperis.

251. Where any person so arrested and imprisoned as aforesaid by virtue of any writ of capias shall be disabled by poverty from making defence to any such information, it shall be competent for such person to petition the court on affidavit verifying such disability; and the court, on being satisfied of the truth of the facts alleged in such affidavit, may assign counsel and attorney to such person, and the counsel and attorney so assigned are hereby required to act for such person without fee.

Sheriff to grant special warrant on writ of capias endorsed by Solicitor of Customs.

252. Every sheriff, mayor, bailiff, and other person accustomed to execute the process of the courts, and every under-sheriff, deputy, or agent of such sheriff, mayor, or bailiff, is hereby required (on the request of the Solicitor of Customs, or of any person acting on his behalf, such request to be endorsed on the back of any writ of capias or other process issuing as aforesaid, and signed by such solicitor or by such other person stating his authority,) to grant a special warrant to such persons as shall be named to them by such solicitor or other person for apprehending the person against whom such process shall issue, or in default thereof every such sheriff, mayor, bailiff, under-bailiff, and other person shall be liable to such process of contempt, fines, and penalties as they or any of them are now by any law or custom liable to in case of refusing to execute similar process where the defendant might have been taken thereupon in the usual course of proceeding.

Sheriff indemnified for escape if warrant granted at request of Customs.

Gaoler to receive offender.

253. Every sheriff, mayor, bailiff, under-sheriff, and other person granting such special warrant shall be indemnified from all liability for the escape of any person who shall be arrested by virtue of such warrant; but when any person so arrested shall be tendered to the gaoler or keeper of the proper prison, he is hereby required to receive every person so arrested and tendered as aforesaid, and give a receipt for his body.

When offenders arrested give bail to the sheriff, bail bond to be assigned to Her Majesty.

254. If when any person is arrested by writ of capias ad respondendum, the sheriff or other officer shall take bail from such person, such sheriff or other officer, at the request and costs of the Solicitor of Customs or other proper officer, shall assign to Her Majesty, her heirs and successors, the bail bond taken from such person, by endorsing and attesting the same under his hand and seal in the presence of two or more credible witnesses, which may be done without any stamp, provided the assignment so endorsed be duly stamped before any suit be commenced thereupon, and if such bail bond be forfeited, such process shall thereupon issue as on bonds originally made to Her Majesty, her heirs and successors.

LEGAL PROCEEDINGS.

Prosecutions, &c.

As to prosecution by indictment or information.

In whose names indictments or suits to be preferred.

255. All indictments or suits for any offences or the recovery of any penalties or forfeitures under the Customs Acts shall, except in the cases where summary jurisdiction is given to justices, be preferred or commenced in the name of Her Majesty's Attorney General for England or Ireland, or of the Lord Advocate of Scotland, or of some officer of Customs or Inland Revenue.

The Attorney General or Lord Advocate may enter a nolle prosequi.

256. In any prosecution for recovery of any fine, penalty, or forfeiture incurred under the Customs Acts, Her Majesty's Attorney General for England, Her Majesty's Attorney General for Ireland, or the Lord Advocate of Scotland, if satisfied that such fine, penalty, or forfeiture was incurred without any intention of fraud, or that it may be inexpedient to proceed in the said prosecution, may enter a nolle prosequi or otherwise on such information.

Suits, &c. to be exhibited within three years.

257. All suits, indictments, or informations brought or exhibited for any offence against the Customs Acts in any court or before any justice, shall be brought or exhibited within three years next after the date of the offence committed.

Indictments or informations may be tried in any county in England, Scotland, or Ireland respectively.

258. Any indictment, prosecution, or information which may be instituted or brought under the direction of the Commissioners of Customs for offences against the Customs Acts shall and may be inquired of, examined, tried, and determined in any county of England when the offence is committed in England, and in any county of Scotland when the offence is committed in Scotland, and in any county in Ireland when the offence is committed in Ireland, in such manner and form as if the offence had been committed in the said county where the said indictment or information shall be tried.

Proofs in proceedings.

As to proofs in proceedings.

Defendant's proof in smuggling cases.

259. If in any prosecution in respect of any goods seized for nonpayment of duties, or any other cause of forfeiture, or for the recovering any penalty or penalties under the Customs Acts, any dispute shall arise whether the duties of Customs have been paid in respect of such goods, or whether the same have been lawfully imported or lawfully unshipped, or concerning the place from whence such goods were brought, then and in every such case the proof thereof shall be on the defendant in such prosecution, and where any such proceedings are had in the Exchequer Division of the High Court of Justice on the Revenue Side, the defendant shall be competent and compellable to give evidence.

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Averments in smuggling cases.

260. The averment that the Commissioners of Customs or Inland Revenue have directed or elected that any information or proceedings under the Customs Acts shall be instituted, or that any ship or boat is foreign or belonging wholly or in part to Her Majesty's subjects, or that any person detained or found on board any ship or boat liable to seizure is or is not a subject of Her Majesty, or that any goods thrown overboard, staved, or destroyed were so thrown overboard, staved, or destroyed to prevent seizure, or that any goods thrown overboard, staved, or destroyed during chase by any ship or boat in Her Majesty's service, or in the service of the Revenue, were so thrown overboard, staved, or destroyed to avoid seizure, or that any person is an officer of Customs or Excise, or that any person was employed for the prevention of smuggling, or that the offence was committed within the limits of any port, or where the offence is committed in any port of the United Kingdom, the naming of such port in any information or proceedings shall be deemed to be sufficient, unless the defendant in any such case shall prove to the contrary.

Vivâ voce evidence may be given that a party is an officer.

Witness competent although entitled to part of seizure or reward.

261. If upon any trial a question shall arise whether any person is an officer of the army, navy, marines, or coastguard duly employed for the prevention of smuggling, or an officer of Customs or Excise, his own evidence thereof, or other evidence of his having acted as such, shall be deemed sufficient, without production of his commission or deputation; and every such officer and any person acting in his aid or assistance shall be deemed a competent witness upon the trial of any suit or information on account of any seizure or penalty as aforesaid, notwithstanding such officer or other person may be entitled to the whole or any part of such seizure or penalty, or to any reward upon the conviction of the party charged in such suit or information.

What shall be evidence of order of Treasury or Commissioners of Customs or Inland Revenue.

262. Upon the trial of any issue, or upon any judicial hearing or investigation touching any seizure, penalty, or forfeiture, or other proceeding under the Customs Acts or any Act relating to the Excise, or incident thereto, where it may be necessary to give proof of any order issued by the Commissioners of the Treasury, or by the Commissioners of Customs or Inland Revenue respectively, the order, or any letter or instructions referring thereto, which shall have been officially received by any officer of Customs or Excise for his government, and under which he shall have acted as such officer, shall be admitted and taken as sufficient evidence and proof of such order.

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Evidence of condemnation in forfeiture.

263. Condemnation by any justice under the Customs Laws may be proved in any court of justice, or before any competent tribunal, by the production of a certificate of such condemnation purporting to be signed by such justice, or an examined copy of the record of such condemnation certified by the clerk to such justice.

Entry of appearances.

Claim to be in name of bonâ fide owners.

Verified by oath of ownership.

As to claim by owners of goods seized.

264. No claim or appearance shall be entered to any information filed or exhibited for the forfeiture of any ship or goods seized for any cause of forfeiture in any court or before any justice, unless such claim or appearance be made by or in the real name of the owner or proprietor thereof, describing his place of residence and occupation; and if such claimant shall reside at London, Edinburgh, or Dublin, or within the liberties thereof, oath shall be made by him before one of the judges of the court in which such information is filed, or before any justice before whom such information shall be exhibited, that the said ship or goods were his property at the time of seizure; but if such person shall reside elsewhere, then oath shall be made by the attorney by whom such claim or appearance shall be entered that he has full authority for such claimant to make or enter the same, and that to the best of his knowledge and belief the same were at the time of seizure the bonâ fide property of the claimant; and on failure of making such proof of ownership such ship or goods shall be condemned, as if no claim or appearance had been made.

If goods owned by more than five co-proprietors, two may make the oath.

265. When any such ship, goods, or other things shall at the time of the seizure thereof be the bonâ fide property of any number of proprietors exceeding five, it shall not be necessary for more than two of them to enter such claim or appearance on the part of themselves and their co-proprietors, or to make such oath as aforesaid.

If goods owned by a company or co-partners, oath may be made by public officer or agent.

266. If any ship, goods, or other things shall at the time of seizure be the property of a joint stock company, or of co-partners carrying on trade in the United Kingdom, such claim and appearance may be entered and oath made by the public officer of such company, or by an agent for such co-partners or by one of them, and every person who shall be convicted of taking a false oath as to the facts herein-before required to be sworn to shall be guilty of perjury, and liable to the penalties thereof.

Probable cause may be certified in bar.

267. When in any information or suit relating to any seizure a verdict or judgment shall be found for the claimant, if it shall

appear to the judge or justice before whom the same was heard that there was reasonable or probable cause of seizure, and such judge or justice shall so certify on the record or information, such certificate may be pleaded a bar to any action, indictment, or other proceeding against the seizor; and in case any action, indictment, or other proceeding shall be brought to trial against any person on account of any seizure (whether any information be brought to trial for the condemnation of the same or not), and a verdict shall be given for the plaintiff, if the judge or justice before whom such action, indictment, information, or other proceeding shall be tried or heard shall certify on the record, information, or other written proceedings that there was reasonable or probable cause for seizure, the plaintiff shall not be entitled to more than twopence damages nor to any costs, nor shall the defendant be fined more than one shilling; and the production of such certificate, or a copy thereof, verified by the signature of the officer of the court, shall be sufficient evidence of such certificate.

As to actions against officers of Customs.

Actions against officers.

One month's notice of action to officer before process.

268. No action or suit shall be commenced against any officer of the army, navy, marines, coastguard, Customs, Excise, police, or other person acting for or under the direction of the Commissioners of Customs, or duly employed in the prevention of smuggling, for anything done in the execution of or by reason of his office, until one month next after notice in writing shall have been delivered to him or left at his usual place of abode by the attorney or agent of the plaintiff, in which notice shall be clearly stated the cause of action, the name and place of abode of the plaintiff, and the name and place of abode or business of such attorney or agent, and the attorney or agent mentioned in such notice shall not be entitled to more than ten shillings for preparing and serving such notice; and if any action or suit shall be commenced against any such officer or other person, and no such notice shall have been given, such officer or other person may call upon the plaintiff to establish to the satisfaction of the court, on affidavits on both sides, that such action or suit is brought for some act, matter, or thing not done in the execution of or by reason of his office, or whilst on duty as such officer, and if the plaintiff shall fail so to satisfy the court, such action or suit shall discontinue: Provided always, that if the plaintiff shall so satisfy the court, he shall not be allowed on the trial of such action to give evidence of any cause of action other than such as shall have been disclosed in his said affidavit.

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Evidence limited to subject in notice.

269. Upon the trial of any action brought in pursuance of such notice the plaintiff shall not be entitled to a verdict without proving on the trial that such notice had been duly served, in default whereof the defendant shall receive a verdict, with costs, nor shall the plaintiff be at liberty to produce evidence of any cause of action, except such as has been distinctly stated in such notice.

Officer may tender amends.

270. It shall be lawful for any such officer or other such person to whom such notice shall be given, at any time within one month after service thereof, to tender amends to the plaintiff, or his agent or attorney, and in case such amends be not accepted to plead such tender in bar of the action, together with the plea of "not guilty," and other pleas, with leave of the court, where such leave must be obtained pursuant to "The Common Law Procedure Act, 1852;" and if upon the trial of such action the jury shall find the amends so tendered sufficient, they shall give a verdict for the defendant, and in such case, or in case the plaintiff shall be nonsuited or discontinue his action, or in case judgment be given for such defendant on demurrer, then such defendant shall be entitled to the like costs as he would have been entitled to if he had pleaded the general issue only; but if upon issue joined the jury shall find that no amends were tendered, or that the same were insufficient, or shall find against the defendant on such plea or pleas, they shall give a verdict for the plaintiff, and such damages as they shall think proper, together with costs of suit.

Officer omitting to tender amends may pay money into court.

271. In case any officer or other such person shall neglect to tender amends, or shall not have tendered sufficient amends, before the action brought, it shall be lawful for him, by leave of the court in which such action shall be brought, at any time before the trial of the action, to pay into court a sum of money by way of amends, to abide the usual practice in such cases.

Actions against officers to be brought within one month after cause arises.

272. Every action against any officer of Customs or other such person shall be commenced within one month after the cause of action shall have arisen; but if such action be brought in respect of any seizure made by such officer or other such person, the month shall be computed from the day of seizure, unless it shall within that time become the subject of an information for the condemnation thereof, in which case the cause of action shall not be deemed to have arisen until the day after the trial of such information, and the venue in such action shall be laid in the county or place where the cause thereof is alleged to have occurred; and the defendant may plead the general issue, and give the special matter in evidence

on the trial thereof; and if the plaintiff shall be nonsuited or discontinue, or if upon a verdict or demurrer judgment shall be given against him, the defendant shall be entitled to costs, and have such remedy for the recovery thereof as any other defendant now has in other cases where costs are legally recoverable.

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273. Any person appointed to be solicitor or assistant solicitor of Her Majesty's Customs, or any clerk duly appointed to act on his behalf or under his or their directions, shall and may in any case relating to the Customs, or under the direction of the Commissioners of Her Majesty's Treasury or Customs, act as counsel, solicitor, attorney-at-law, advocate, or writer to the signet in the prosecution, conduct, or defence of any such case in any court, jurisdiction, or place in which such case may be instituted, and any such solicitor, assistant solicitor, or clerk, and any officer of Customs, under the order and directions of the Commissioners of Customs, may prosecute, defend, or conduct any proceeding before any justice in any matter relating to the Customs to be heard or determined by him.

Solicitors clerks and officers of Customs may conduct cases.

274. Any writer to the signet, solicitor before the supreme courts in Scotland, or solicitor at law duly licensed to practise as an agent in the Courts of Session and Justiciary in Scotland, who shall be retained by any defendant at the suit of the Crown for any offence against the laws relating to the Customs, shall be competent to undertake the defence of such defendant, and to instruct counsel for that purpose; and any such defendant who may not have retained any such agent shall be entitled to be heard by his counsel on any trial for such offence, although such defendant may have previously appeared to answer such suit in person instead of appearing by agent.

Defendants in Customs cases to have choice of attorney and counsel in Scotland.

AS TO THE APPLICATION OF MONEYS FROM SALE, PURCHASE, OR EXCHANGE OF LANDS.

LANDS CLAUSES.

275. The moneys produced by sales or exchange of any freehold, leasehold, or copyhold lands or tenements bought, sold, or disposed of by, for, or under the direction of the Commissioners of Customs, including the moneys already paid by way of deposit for the purchase of any such lands or tenements already contracted to be sold, and the residue of the moneys to be received in respect or on account of such contract, shall be paid by the purchaser thereof, or by the person making such exchange, to the Commissioners of Customs for the time being or to such person as they shall appoint to receive the same, in trust for Her Majesty, her heirs and successors, for the use of the said Customs; and the receipt of such

Moneys produced by sale of lands to be paid to the Commissioners Customs.

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LANDS CLAUSES.

Commissioner or other person as aforesaid for such moneys (such receipt to be endorsed on the conveyance, surrender, or assignment) shall effectually discharge the purchaser or person by whom or on whose account the same shall be paid.

Money for lands of incapacitated persons to be paid into Bank of England.

276. In all cases where any money shall have been or shall be agreed, or shall have been or shall be found by the verdict of any jury, to be paid for the use or possession of lands or hereditaments taken by virtue of the Customs Acts belonging to any persons under any disability or incapacity, or not having the absolute interest therein, the same shall be paid by warrant of the Commissioners of the Treasury into the Bank of England, in the name and with the privity of the Paymaster General on behalf of the Chancery Division of the High Court of Justice, to be placed to his account there in the matter of the particular Act to the credit of the persons claiming to be interested therein, naming them pursuant to the method prescribed by any Act in force for the time being for regulating the payment of money into court; and immediately upon the filing in the Chancery Division of the High Court of Justice of the certificate of such Paymaster General, with the receipt annexed of the payment into his name as aforesaid of any such money, in conformity with the eighth section of the Act of the twenty-second and twenty-third years of Her Majesty's reign, chapter twenty-one, the said lands or hereditaments shall be vested in or to the use of Her Majesty, her heirs and successors.

ISLE OF MAN.

Isle of Man deemed part of United Kingdom for Customs purposes.

AS TO THE ISLE OF MAN.

277. The Isle of Man shall be deemed and taken to be part of the United Kingdom for all the purposes of the Customs Acts; but nothing herein contained shall prejudice or affect, or be construed in any way, directly or indirectly, to prejudice or affect, any of the rights or privileges legally exercised or enjoyed by the said isle at the time of the passing of this Act.

Goods delivered out of charge of Customs in the Isle of Man not to be brought into Great Britain or Ireland.

278. No foreign goods upon which a higher duty is payable on their importation into Great Britain or Ireland than on their importation into the Isle of Man shall, after the same have been cleared and delivered out of charge of the proper officers of Customs for consumption or otherwise in the said isle, be carried or shipped or be water-borne or be brought to any quay, wharf, or other place to be shipped or water-borne to be carried from the said isle into Great Britain or Ireland; nor shall any such goods which may be brought to the said isle, though not cleared and delivered as aforesaid, be removed or carried to be brought or taken from thence into Great Britain or Ireland until the same shall have been

duly cleared for that purpose by the proper officer of Customs, nor (unless reported for removal in the same ship and in continuation of the voyage to some port in Great Britain or Ireland) until sufficient security by bond or otherwise shall have been given, in such manner and on such terms and conditions as the Commissioners of Customs may direct, for the due delivery thereof at some port or place in Great Britain or Ireland; and all goods carried, brought, shipped, removed, or water-borne to be shipped, removed, or carried contrary hereto shall be forfeited, and every person who shall carry, ship, bring, remove, or water-bear to be shipped, removed, or carried any goods contrary hereto, or who shall aid or be concerned therein, shall forfeit treble the value of such goods, or the sum of one hundred pounds, at the election of the Commissioners of Customs.

Goods brought to Isle of Man, but not delivered from Customs, may be brought to Great Britain or Ireland on conditions.

279. Any goods the growth of the Isle of Man, or there manufactured from materials the growth of the said isle, or from materials not subject to duties in Great Britain or Ireland, or from materials upon which the duty has been paid in Great Britain or Ireland, and upon which no drawback has been subsequently granted, may be brought from the said isle into Great Britain or Ireland without payment of any duty: Provided always, that any goods may nevertheless be charged with such proportion of such duties as shall fairly countervail any duties of Excise payable on the like sort of goods the produce of that part of Great Britain or Ireland into which they shall be brought, or payable upon any of the materials from which such goods are manufactured, and any articles either wholly or in part manufactured in the said isle from any materials upon which a higher duty is payable upon their importation into Great Britain or Ireland than on their importation into the Isle of Man, may be brought from the said isle into Great Britain or Ireland on payment of the duty payable on such goods in that part of Great Britain or Ireland into which they shall be so brought.

Goods the growth or manufacture of Isle of Man may be imported into Great Britain or Ireland on certificate, &c.

280. Before any goods shall be shipped in the Isle of Man to be carried to Great Britain or Ireland, as the growth or produce of that isle, or as manufactures of that isle, from materials the growth and produce thereof, or from materials not subject to duty in Great Britain or Ireland, or from materials upon which the duties shall have been paid and not drawn back in Great Britain or Ireland, proof shall be made by the written declaration of some competent person, to the satisfaction of the collector or other proper officer of Customs at the port of shipment, that such goods (describing and identifying them) are of such growth, produce, or manufacture, as the case may be, and in such declaration shall be stated the name

Declaration and certificate of growth or manufacture of goods from Isle of Man.

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of the person by whom such goods are intended to be shipped, and such person at the time of shipping (not being more than one month after the date of such declaration) shall make and subscribe a declaration before such collector or other proper officer that the goods to be shipped are the same as mentioned in such declaration, and thereupon the collector or other proper officer shall, on demand, give to the master of the ship in which the goods are to be exported a certificate of such proof of produce or of manufacture, describing the same, and setting forth the name of the party and of the ship and of the master thereof, and the destination of the goods.

Act not to affect Excise drawback.

281. Nothing herein contained shall be deemed or construed to affect the laws and regulations now in force respecting duties and drawbacks of Excise on goods removed to the Isle of Man.

Stores of Manx ships.

282. If any ship or boat bound from the Isle of Man to Great Britain or Ireland shall have on board any stores of spirits, tobacco, or tea for the use of the crew exceeding the quantities specified in the following table, such stores, together with the casks or packages containing the same, and also the ship or boat, shall be forfeited.

TABLE.

—	In Ships or Decked Vessels.	In Open Boats.
Spirits for each seaman -	Half a gallon - -	One quart.
Tobacco for each seaman -	One pound - -	Half a pound.
Tea for the whole crew -	Two pounds - -	One pound.

imports.

283. The Commissioners of the Treasury shall and may at any time, if they see fit, by order under their hands, restrict or limit the importation into the Isle of Man of any foreign goods to such quantities per annum and in such manner as they may deem necessary, and also determine into what ports in the Isle of Man and from what places such goods may be imported.

MISCELLANEOUS.

MISCELLANEOUS MATTERS.

As to the interpretation of terms used in this Act.

Interpretation of terms.

284. For the purposes of this or any other Act relating to the Customs and in construing the same, the following terms, when not inconsistent with the context or subject-matter, shall have the several meanings, and include the several matters and things hereinafter prescribed and assigned to them; that is to say,

"Attorney General" shall include Solicitor General, Attorney General in the Isle of Man, Procureur, or other chief law officer of the Crown in any of Her Majesty's possessions abroad where there is no Attorney General.

"British possession" shall mean and include colony, plantation, island, territory, or settlement belonging to Her Majesty.

"Channel Islands" shall mean the islands of Guernsey, Jersey, Alderney, and Sark, and their respective dependencies.

"Commissioners of the Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury.

"County" shall mean and include any city, county of a city, county of a town, borough, or other magisterial jurisdiction where such construction is not inconsistent with the context.

"Customs Acts" shall mean and include this and all or any other Acts or Act relating to the Customs.

"Exporter of goods for which no bond is required" shall include and apply to the person subscribing the declaration required at the foot of the specification, forms No. 8 and No. 9, or manifest in lieu thereof, as the case may be.

"Drawback" shall include bounty.

"Gaoler" shall mean and include any governor or keeper of Her Majesty's prisons.

"Her Majesty" shall mean Her Majesty, her heirs and successors.

"Importer" shall mean, include, and apply to any owner or other person for the time being possessed of or beneficially interested in any goods at and from the time of the importation thereof until the same are duly delivered out of the charge of the officers of Customs.

"Justice" shall mean and include justice of the peace, county court judge, recorder, sheriff depute, governor, deputy-governor, lieutenant-governor, bailiff, chief magistrate, deemster, jurat, and any other magistrate in the United Kingdom and the Channel Islands.

"Master" shall mean the person having or taking the charge or command of any ship.

"Official import lists and official export lists" shall mean any lists which are now or shall from time to time be issued under the authority of the Commissioners of the Treasury or Customs, prescribing the denominations, descriptions, and quantity by tale, weight, measure, value, or otherwise, by which articles of merchandise shall be required to be entered on their importation into or exportation from the United Kingdom.

"Proper officer of Inland Revenue" in the fourth section of the Act of the thirty-seventh and thirty-eighth years of Her Majesty's reign shall mean "proper officer of Customs."

"Queen's warehouse" shall mean any place provided by the Crown or approved by the Commissioners of Customs for the deposit of goods for security thereof and of the duties due thereon.

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"Warehouse" shall mean any place in which goods entered to be warehoused may be lodged, kept, and secured.

Customs fund available for officers of the United Kingdom, and the Life Assurance Companies Act shall not apply to that fund.

285. The unrepealed provisions of the Act of the fifty-sixth year of George the Third, chapter seventy-three, shall apply to and be available by and for the benefit of the officers, clerks, and other persons in the department of the Customs in Scotland and Ireland, and their relatives, as fully and amply as if they had been originally mentioned therein, and the Act made applicable to the United Kingdom instead of England only; and the Life Assurance Companies Act, 1870, shall not be deemed to apply to the Customs Annuity and Benevolent Fund.

Cards imported not to be sold without a wrapper provided by the Commissioners of Inland Revenue.

286. In construing section one hundred and fourteen of "The Customs Consolidation Act, 1853," relating to cards, saved from repeal in Schedule (A.) to this Act annexed, it shall be read as if section twenty-eight of the Act of the twenty-fifth and twenty-sixth years of Her Majesty's reign, chapter twenty-two, were therein referred to and had been originally inserted therein instead of the Act therein mentioned, and the reference in the thirty-sixth section of the above-mentioned Act to "The Customs Consolidation Act, 1853," hereby repealed, shall be deemed to apply to the several clauses of that Act relating to cards as saved in the said Schedule and read as hereby directed.

Reciprocity under treaties, &c.

287. Sections nine, ten, eleven, and twelve of the Act of the eighth and ninth years of Her Majesty's reign, chapter ninety, shall, notwithstanding the repeal by this Act of section seventeen of the Act of the twentieth and twenty-first years of Her Majesty's reign, chapter sixty-two, be deemed and considered as subsisting and unrepealed.

As to repeal of existing Acts.

Acts set forth in Schedule (A.) repealed.

288. The several Acts and parts of Acts set forth in Schedule (A.) to this Act annexed are hereby repealed, to the extent to which such Acts or parts of Acts are by such Schedule expressed to be repealed, except as to anything done before the commencement of this Act, and except so far as relates to any arrears of duty or to any drawback which shall have become due or payable, and except so far as may be necessary for the purpose of supporting or continuing any proceeding heretofore taken or to be taken after the commencement of this Act, and except as to the recovery or application of any penalty for any offence which shall have been committed or any forfeiture which shall have been incurred before the commencement of this Act; and all orders made by Her Majesty in Council, all bonds taken or licenses granted, and all things done under the authority or in pursuance of any of the Acts hereby repealed,

Orders, &c. under Acts repealed to be valid.

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MISCELLANEOUS.

shall nevertheless be valid and effectual; and all commissions, deputations, and appointments granted to any officer of Customs in force at the commencement of this Act shall continue in force as if the same had been granted under the authority of this Act; and all bonds or other securities which shall have been given by or for such officers and their respective sureties for good conduct or otherwise shall remain in force; and all warrants, licenses, orders, and regulations made by the Commissioners of the Treasury or the Customs under any Act or Acts relating to the Customs now repealed, shall remain in force until altered, revoked, or rescinded or others made by them in lieu thereof; and all acts done in pursuance of any such orders and regulations shall be and are hereby declared to be valid; and all ports, inland bonding places, havens, creeks, boarding stations, legal quays, sufferance wharves, and warehouses appointed or approved under any of the Acts hereby repealed, shall continue until the appointment or approval thereof shall be annulled, varied, or altered by the said Commissioners.

Commissions, deputations, bonds, &c. to remain in force.

Warrants, orders, and regulations to remain in force.

Ports, bonding place, havens, creeks, &c. to continue.

289. This Act shall be registered in the Royal Courts of the Island of Guernsey and Jersey respectively, and the said Royal Courts respectively shall have full power and authority and are hereby required to register the same.

Act to be registered in Royal Courts of Guernsey and Jersey.

290. This Act shall come into operation on the day of the passing of this Act, and in citing it in other Acts of Parliament and in legal instruments it shall be sufficient to use the expression "The Customs Consolidation Act, 1876."

Commencement of Act.

A.D. 1876.

SCHEDULE (A.)

SCHEDULES.

SCHEDULE (A.) of Acts to be Repealed.

Date of Act.	Title of Act.	Extent of Repeal.
8 & 9 Vict. c. 85 -	An Act for the Management of the Customs.	Sections 2 and 3.
16 & 17 Vict. c. 107	An Act to amend and consolidate the laws relating to the Customs of the United Kingdom and of the Isle of Man, and certain Laws relating to Trade and Navigation and the British Possessions.	The whole Act, except sections 114, 115, and 116, relating to cards; sections 165, 166, 181, 182, 183, 185, 187, and 188, so far as they relate to those of Her Majesty's possessions abroad in which other provisions have not been substituted by Local Act or Ordinance with the sanction of Her Majesty; sections 324 to 327 both inclusive, and 329 to 331 both inclusive, relating to reciprocity in commerce, and sections 332, 333, and 335 to 341 both inclusive, and also 343, 344, and 345, relating to the acquisition and disposal of lands.
18 & 19 Vict. c. 96	The Supplemental Customs Consolidation Act.	The whole Act.
18 & 19 Vict. c. 97	The Customs Tariff Act, 1855	The whole Act.
19 & 20 Vict. c. 75	The Customs Laws and Duties Amendment Act, 1856.	The whole Act, except section 6.
20 Vict. c. 15 -	The Customs Duties Amendment Act, 1857.	The whole Act.
20 & 21 Vict. c. 61	The Customs and Excise Duties Act, 1857.	The whole Act.
20 & 21 Vict. c. 62	The Customs Amendment Act, 1857.	The whole Act.
21 Vict. c. 12 -	The Customs Duties Act, 1858	The whole Act.
22 & 23 Vict. c. 37	The Customs Amendment Act, 1859.	The whole Act.
23 Vict. c. 22. -	The Customs Tariff Amendment Act, 1860.	The whole Act.
23 & 24 Vict. c. 36	The Customs Inland Bonding Act, 1856.	The whole Act.
24 Vict. c. 20 -	The Customs and Inland Revenue Act, 1861.	So much as relates to Customs.
25 Vict. c. 22 -	The Customs and Inland Revenue Act, 1862.	So much as relates to Customs.
26 Vict. c. 22 -	The Customs and Inland Revenue Act, 1863.	So much as relates to Customs.

Date of Act.	Title of Act.	Extent of Repeal.
27 Vict. c. 18 -	The Customs and Inland Revenue Act, 1864.	So much as relates to Customs.
28 Vict. c. 30 -	The Customs and Inland Revenue Act, 1865.	So much as relates to Customs.
28 & 29 Vict. c. 95	The Sugar Duties and Drawbacks Act, 1865.	The whole Act.
30 Vict. c. 10 -	The Sugar Duties Act, 1867 -	The whole Act.
30 Vict. c. 23 -	The Customs and Inland Revenue Act, 1867.	So much as relates to Customs.
30 & 31 Vict. c. 82	The Customs Amendment Act, 1867.	The whole Act.
31 Vict. c. 28 -	The Customs and Income Tax Act, 1868.	So much as relates to Customs.
32 & 33 Vict. c. 14	The Customs and Inland Revenue Duties Act, 1869.	So much as relates to Customs.
33 Vict. c. 12 -	The Customs (Isle of Man) Act, 1870.	The whole Act.
33 & 34 Vict. c. 32	The Customs and Inland Revenue Act, 1870.	So much as relates to Customs.
34 Vict. c. 21 -	The Customs and Income Tax Act, 1871.	So much as relates to Customs.
36 Vict. c. 29 -	The Customs Sugar Duties (Isle of Man) Act, 1873.	The whole Act.
37 & 38 Vict. c. 16	The Customs and Inland Revenue Act, 1874.	So much as relates to Customs.

SCHEDULE (B.) referred to in the foregoing Act.

Schedule (B.)

Form No. 1.

Official Number.
Number of Register.
Date of Registry.
Port of { If Sailing Vessel or Steamer.

REPORT.

Ship's Name.	Tonnage.	British or Foreign; if British, Port of Registry; if Foreign, Country to which she belongs.	Number of Crew.		Name of Master, and whether a British or Foreign Subject.	Port or Place from whence arrived.
			British Seamen.	Foreign Seamen.		
Here state the particulars according to the above headings.						
		Total -				

A.D. 1876.

SCHEDULE (B.)

CARGO.

1. Name or Names of Places where laden in order of Time.	2. Marks.	3. Nos.	4. Packages and Descriptions of Goods, Particulars of Goods stowed loose, and General Denomination of Contents of each Package of Tobacco, Cigars, or Snuff intended to be imported at this Port.	5. Particulars of Packages and Goods (if any) for any other Port in the United Kingdom.	6. Goods (if any) to be transhipped or to remain on board for Exportation.	7. Name of Consignee.
Here state the particulars according to the above headings, or if in Ballast, state "in Ballast only."						
If any wreck fallen in with or picked up, to be stated.						

STORES.

Surplus stores remaining on board, viz. :— {

Number of alien passengers (if any) - _____

Pilot's names - - - - _____

At what station ship lying - - - _____

Agent's name and address - - _____

I declare that the above is a just report of my ship and of her lading, and that the particulars therein inserted are true to the best of my knowledge, and that I have not broken bulk or delivered any goods out of my said ship since her departure from the last foreign place of loading, (except, *if so*, at , *stating where*).

(Signed) *Master.*

Signed and declared this day of 187 .

In presence of

Collector.

Form No. 2.

ENTRY FOR HOME USE.

Whether Prime or Post, and if Post date of Prime Entry _____

Port of Importation _____

Dock or Station _____ Merchant in whose name the goods are entered - } _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here state the particulars according to the above headings.			

Marks.	Numbers.	Number of Packages, quantity and description and, if a Prime Entry, value of Goods, in accordance with the requirements of the Official Import List.
Here state the particulars of the goods according to the above headings.		

Total amount of duty payable on this entry - £

Dated this day of 187 .

(Signed) _____

Importer or his Agent.

Form No. 3.

ENTRY FOR WAREHOUSING.

Port _____

Dock or Station _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here state the particulars according to the above headings.			

Marks.	Numbers.	Number of Packages, quantity, description, and value of Goods, in accordance with the requirements of the Official Import List.
Here state the particulars of the goods according to the above headings.		

I enter the above goods to be warehoused at _____

Dated this day of 187 .

(Signed) _____

Importer or his Agent.

A.D. 1876.

SCHEDULE (B.)

Form No. 4.

ENTRY BY BILL OF SIGHT.

Port _____

Dock or Station _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.

Marks.	Numbers.	Number of Packages with the best Description the Importer is able to give.
State the particulars according to the respective headings given above.		

I, the importer (or agent to the importer) of the goods above mentioned, do hereby declare (if importer) that I have not, or (if agent) that, to the best of my knowledge, he has not received sufficient invoice, bill of lading, or other advice from whence the quality, quantity, or value of the goods above mentioned can be ascertained.

Dated this day of 187 .

(Signed)_____

Importer or his Agent.

(Signed)_____

Collector or proper Officer of Customs.

Form No. 5.

ENTRY FOR FREE GOODS.

Port _____

Dock or Station _____

Importer's Name _____

Ship's Name.	Date of Report.	Master's Name.	Port or Place from whence.
Here insert the particulars according to the above headings.			

Marks.	Numbers.	Number of Packages, and quantity, description, and value of Goods, in accordance with the requirements of the Official Import List.	
Here state the particulars of the goods according to the above headings.			

I enter the above goods as free of duty, and declare the above particulars to be true.

Dated this day of 187 .

(Signed)_____

Importer or his Agent.

Form No. 6.

ENTRY OUTWARDS.

Port of_____

Ship's Name		Tonnage.	Master's Name.	Port of Destination.
If British, Name of Port of her Registry.	If Foreign, name of Country to which she belongs.			

Lying at _____ Dock or Station.

(Signed)_____

Master or Agent.

Date of Entry.

If ship shall have commenced her lading at any other port, (name of such port).

Form No. 7.

SHIPPING BILL.

For Drawback Goods.

Ship's Name.	Whether British or Foreign; if Foreign, the Country.	Master's Name.	Port or Place of Destination.

SCHEDULE (B.)

Marks.	Numbers.	Description of Packages.	Quantity, Quality, and Value, and Description of Goods.
	Total Number of Packages.		

I claim drawback on { Here state the quantity and description in words at length of any goods in respect of which drawback is claimed.

(Signed)_____

adding "exporter" or "agent," as the case may be.

Station of Clearance.

(Countersigned)_____

Searcher.

Dated this day of 187 .

Form No. 8.

SPECIFICATION for Foreign Goods free of duty or on which all duties have been paid.

Port of Ship's Name			Master Port or Place of Destination	
Marks.	Numbers.	Description of Packages.	Quantity and Description of Foreign goods in accordance with the requirements of the Official Import List.	Value.

I declare that the particulars set forth above are correctly stated.

(Signed)_____

adding "exporter" or "agent," as the case may be.

Address_____

Dated 187 .

(Countersigned)_____

Searcher.

Form No. 9.

SPECIFICATION for British and Irish Goods only.

Port of Ship's Name			Master Port or Place of Destination	
Marks.	Numbers.	Description of Packages.	Quantity and description of British and Irish Goods, in accordance with the requirements of the Official Export List.	Value.

I declare that the particulars set forth above are correctly stated.

Signed _____

Adding "Exporter" or "Agent," as the case may be.

Ad _____

Dated _____ 187 .

(Countersigned) _____

Searcher or proper Officer.

Form No. 10.

CONTENT.

Port of _____

Ship's Name and Destination.	Number of Tons.	Number of Boats.	If British, Port of Registry. If Foreign, the Country.	Number of Crew.	Name of Master.	With or without Passengers or Troops.

WAREHOUSED, TRANSHIPMENT, DRAWBACK, AND RESTRICTED GOODS.

Marks and Numbers, if any, of Packages.	Number and Description of Packages.

Particulars to be stated according to the above headings.

Cleared

Examined

(Signed) _____

Searcher.

Dated _____

A.D. 1876.

SCHEDULE (B.)

I do declare that the above content is a true account of all goods above described, shipped, and intended to be shipped on board the above-named ship, and correct in all particulars.

Signed _____
Master.

Signed and declared this day of
before me,
(Signed)
_____ Collector, or proper Officer of Customs.

Form No. 11.

TRANSIRE.

Port of

Ship's Name.	Tonnage.	Port of Registry.	Master's Name.	Whither Bound.

Foreign Goods, distinguishing Warehoused Goods removed under Bond.	Quantities of Corn, Grain, Meal, Flour, or Malt.	Goods liable to Duty of Excise or entitled to Drawback thereof.	Here state "Sundry other Goods" or "No other Goods," as the case may be.

(Signed) _____
Master.

Cleared the day of 187 .
(Signed)
Collector, or other proper Officer.

SCHEDULE (C.)

SCHEDULE (C.) referred to in the foregoing Act.

FORM OF INFORMATION.

to wit. } Be it remembered, that *A.B.*, an officer of Customs, under the direction of the Commissioners of Customs, informs me, , one of Her Majesty's justices of the peace in and for the of

COUNT I.

That *C.D.*, to wit, on the day of 18 , did import, *or* bring, *or* unship, *or* deliver, *or* carry, *or* remove, *or* harbour, *or* deal with,

or was concerned in importing, *or* unshipping, *or* delivering, *or* carrying, *or* removing, *or* harbouring, *or* dealing with to evade the payment of the duties due thereon, *or* to evade the prohibition *or* restriction relating to the importation and delivery of, certain uncustomed, *or* prohibited, *or* restricted goods, to wit [*describe them*].

COUNT II.

That *C.D.*, to wit, on the day of 18 . , was found, *or* discovered to have been, on board a ship, *or* boat, within three leagues of the United Kingdom, *or* the Channel Islands.

COUNT III.

That *C.D.*, to wit, on the day of 18 , was found, *or* discovered to have been, on board a ship, *or* boat, within a port, *or* bay, *or* harbour, *or* river, *or* creek of the United Kingdom, *or* "the Channel Islands" [*as the case may be*].

COUNT IV.

That *C.D.*, to wit, on the day of 18 , was found, *or* discovered to have been, on board a ship, *or* boat, part of the cargo of which was thrown overboard, *or* staved, *or* destroyed, to prevent seizure.

COUNT V.

That *C.D.*, to wit, on the day of 18 , was found on board, *or* discovered to have been on board, the ship , being one of Her Majesty's ships, *or* in Her Majesty's employment, *or* service, *or* the ship being a foreign post office packet employed in carrying mails between a foreign country and the United Kingdom [*as the case may be*].

COUNT VI.

That *C.D.* did, to wit, on the day of 18 , make and subscribe a false declaration, *or* document, purporting to be [*here state the nature of the document generally*], the same being false and untrue.

COUNT VII.

That *C.D.* did, to wit, on the day of 18 , counterfeit, *or* falsify *or* wilfully use when counterfeited *or* falsified [*as the case may be*], a certain document purporting to be [*here state the nature of the document generally*].

COUNT VIII.

That *C.D.* did, to wit, on the day of 18 , alter a certain document, *or* instrument, after the same had been officially issued, to wit, [*here state the nature of the document generally*].

COUNT IX.

That *C.D.* did, to wit, on the day of 18 , counterfeit the seal, *or* signature, *or* initials, *or* mark, of or used by, an officer of Customs for [*here state the purport*].

A.D. 1876.

SCHEDULE (C.)

COUNT X.

That *C.D.* was, to wit, on the day of 18 , driving *or* conducting a cart, *or* waggon, *or* conveyance, and refused to stop, *or* to allow the examination thereof, when required in the Queen's name.

COUNT XI.

That *C.D.*, on the day of 18 , did obstruct being a person employed for the prevention of smuggling and in the execution of his duty, *or* was concerned in the rescue of, *or* in the endeavour to rescue, *or* in the destruction of, *or* in the endeavour to destroy, seized goods, *or* in the rescue of, *or* endeavour to rescue a person, to wit, one *E.F.*, who had then been apprehended for an offence punishable by fine or imprisonment under the Customs Acts, *or* prevented *or* endeavoured to prevent, the apprehension of one *E.F.*, who had been, to wit, on the day of 18 , guilty of an offence punishable by fine or imprisonment under the Customs Acts.

COUNT XII.

That *C.D.*, to wit, on the day of 18 , denied the possession of certain foreign goods, to wit [*here mention generally the goods*], which were afterwards found to be, *or* to have been [*as the case may be*], in his possession.

COUNT XIII.

That *C.D.*, a person required by the Customs Acts to answer questions put to him by an officer of the Customs, to wit, on the day of 18 , did untruly answer, *or* did refuse to answer a certain question put to him by an officer of Customs.

COUNT XIV.

That *C.D.*, being summoned as a witness, did neglect, *or* refused, to appear, *or* and having appeared in obedience to such summons, did refuse to take oath, *or* affirm, *or* give evidence, *or* answer,

contrary to section [*here insert in figures the section creating the offence*] of "The Customs Consolidation Act, 1876," whereby the said *C.D.* has forfeited the sum of , being treble the value of the goods *or* the penalty of one hundred pounds [*as the case may be*], for which the Commissioners of Customs have elected to sue, *or* the sum of pounds, *or* a sum not exceeding one hundred pounds, *or* a sum not exceeding pounds, *or* has become liable to be imprisoned [*here insert the penalty, or period of imprisonment, imposed by the section under which the offence is charged.*]

For goods only.

That certain goods, to wit [*here mention generally the goods or things*], were seized on the day of 18 , for being dealt with contrary to section [*here insert the section in figures*] of "The

Customs Consolidation Act, 1876," whereby the said goods have become liable to forfeiture, and that *C.D.*, of , has claimed the same.

Exhibited to and before me,
the day of ,
in the year of our Lord

FORM of SUMMONS on INFORMATION.

To [*C.D.*]

to wit. } Whereas an information has been exhibited by [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs before me , one of Her Majesty's justices of the peace for the of , in the following form [*here copy the information*].

This is therefore to require you personally to appear before me, or such other justice or justices of the peace as may be present, at , in the of , on the day of next ensuing, at the hour of o'clock in the forenoon of said day, to answer the said information.

Given under my hand and seal at in the of this day of in the year of our Lord

---

FORM of SUMMONS on INFORMATION for CONDEMNATION of SEIZURES.

To of in the of

to wit. } An information having been preferred by [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, before me , one of Her Majesty's justices of the peace for the of , for the condemnation of [*here state the goods*] seized on the day of in the year of our Lord , for being dealt with contrary to section of "The Customs Consolidation Act, 1876," and claimed by you.

This is to require you to appear before me, or such other justice or justices of the peace as may be present at , in the of on the day of next ensuing, at the hour of o'clock in the forenoon of said day, to show cause why the said goods should not be condemned as forfeited.

Given under my hand and seal at , in the of this day of in the year of our Lord

---

A.D. 1876.

SCHEDULE (C.)

FORM of SUMMONS for WITNESSES.

To

to wit. } You are hereby required personally to be and appear on the day of next ensuing, at the hour of o'clock in the forenoon, at in the of before me, or such other of Her Majesty's justices of the peace for the said of as may be then and there present, to give evidence and testify the truth, according to your knowledge, concerning the facts alleged in a certain information exhibited against *C.D.* under "The Customs Consolidation Act, 1876," and herein fail not, under the penalty therein provided.

Given under my hand and seal at in the of this day of in the year of our Lord

---

FORM OF CONVICTION.

to wit. } Be it remembered, that on this day of in the year of our Lord at in the of *C.D.* is convicted before me [*or* us, *as the case may be,*] of Her Majesty's justices of the peace for the of , for that he the said *C.D.*, within three years now last past [*here state the offence as in the information*], and [*where the party has been convicted of an offence punishable by pecuniary penalty and imprisonment in default of payment,*] I, *or* we, adjudge the said *C.D.* for his said offence to forfeit and pay the sum of , which [*if such be the case,*] I, *or* we, mitigate to the sum of ; and if the said sum of be not forthwith paid, I, *or* we, adjudge the said *C.D.* to be imprisoned in Her Majesty's gaol at in the of until the same be paid, [*or where it shall have been so adjudicated add, instead of the words* "until the same be paid," for the period of months,] unless he shall sooner pay the said sum of *or* [*where the party has been convicted of an offence punishable by imprisonment with hard labour,*] I, *or* we, adjudge the said *C.D.* for his said offence [*and where the party has been previously convicted insert here,* "he having been previously convicted,"] to be imprisoned in Her Majesty's house of correction at in the of , and there kept to hard labour for the period of months.

Given under hand and seal at in the of , this day of in the year of our Lord

---

FORM OF COMMITMENT FOR NONPAYMENT OF A PECUNIARY PENALTY.

to wit. } To [*A.B.*] an officer of Customs, and to the gaoler or keeper of the gaol at in the of [*C.D.*] having been this day convicted before me [*or* us, *as the case may be,*] of Her Majesty's justices of the peace in and

for the of upon the information of [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, of having, within three years now last past, [*here state the offence generally, and the date thereof,*] I [*or* we, *as the case may be,*] did adjudge that the said [*C.D.*] had forfeited for his said offence the sum of , [*adding, if mitigated,*] which I [*or* we, *as the case may be,*] mitigated to the sum of which has not been paid.

This is to command you forthwith to convey the said [*C.D.*] to the gaol at in the of , and to deliver him into the custody of the gaoler or keeper of the said gaol.

And I [*or* we] the said justice *or* justices [*as the case may be*] do hereby authorise and require you, the said gaoler or keeper of the said gaol, to receive the said [*C.D.*] into your custody, and him safely to keep in your said gaol until he shall duly pay the said sum of or be discharged according to law [*or, if it be so adjudicated, insert, instead of what follows the word* "gaol," for the period of months, unless he shall sooner pay the said sum of].

Given under hand and seal at in the of , this day of in the year of our Lord

---

FORM OF COMMITMENT TO HARD LABOUR.

To [*A.B.*] an officer of Customs, and to the gaoler or keeper of the house of correction at in the of
to wit.

C.D. having been this day duly convicted before me [*or* us, *as the case may be,*] of Her Majesty's justices of the peace for the of upon the information of [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, of having, within three years now last past, [*here state the offence generally and date thereof,*] I [*or* we, *as the case may be,*] did adjudge that the said [*C.D.*] should for his said offence [*if previously convicted, say,* "he having been previously convicted,"] be imprisoned in the house of correction at in the said of , and be there kept to hard labour for the period of months.

This is to command you forthwith to convey the said [*C.D.*] to the house of correction at in the of , and to deliver him into the custody of the gaoler or keeper of the said house of correction, and I [*or* we,] the said justice *or* justices, [*as the case may be,*] do hereby authorise and require you, the said gaoler or keeper of the said house of correction, to receive and take the said [*C.D.*] into your custody, and him safely to keep to hard labour in your said house of correction for the period of months.

Given under hand and seal , at in the of , this day of in the year of our Lord

---

A.D. 1876.

SCHEDULE (C.)

FORM OF CONDEMNATION OF SEIZED GOODS.

to wit. } Be it remembered, that an information having been exhibited by [*A.B.*] an officer of Customs, under the direction of the Commissioners of Customs, before me , one of Her Majesty's justices of the peace for the said of , for the condemnation of [*here state the goods,*] for being dealt with contrary to section of "The Customs Consolidation Act, 1876," whereby the same became liable to forfeiture, and which said goods having been claimed by [*C.D.*] of , who was duly summoned to show cause why the same should not be condemned as forfeited, and the forfeiture thereof having been duly proved before me, *or* us, [*as the case may be,*] I, *or* we, [*as the case may be,*] do adjudge the same to be forfeited, and to condemn the same accordingly.

Given under hand and seal at in the of , this day of in the year of our Lord

---

TABLE OF FEES.

	£.	s.	d.
Each information with or without oath on application for summons against defendant, or for warrant for apprehension of a defendant, or for a warrant for remand, if already detained - -	0	2	6
Summons to compel appearance of a defendant or of a witness -	0	2	0
Duplicate thereof - - - - - -	0	1	0
Search warrant - - - - - -	0	2	6
Warrant for apprehension or for remand - - -	0	2	6
Taking examinations or depositions of witnesses, per folio -	0	0	8
Copies for Revenue Solicitor when required by him, per folio -	0	0	4
Taking down statement of defendant, if any - - -	0	1	0
Warrant of commitment after conviction or for trial - -	0	2	6
Copy thereof for Revenue Solicitor if required by him - -	0	1	0
Each recognizance for a defendant's appearance - - -	0	2	6
Recognizance to prosecute and give evidence when necessary	0	2	6
Recording conviction or acquittal - - - -	0	1	0
Engrossing conviction on parchment and filing same when required by Revenue Solicitor - - - - -	0	6	0

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 37.

An Act to assimilate the Law in Ireland to the Law in England as to quieting Possessions and Titles against the Crown. A.D. 1876.

[11th August 1876.]

WHEREAS by an Act passed in the twenty-fourth and twenty-fifth years of Her Majesty, certain provisions were made for the better quieting possessions and titles against the Crown in England, and it is expedient to extend these provisions to Ireland in order that the Crown shall have no greater right over the estates of its subjects in Ireland than what it enjoys over the estates of its subjects in England: 9 G. 3. c. 16. 48 G. 3. c. 47. 24 & 25 Vict. c. 62.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Queen's Majesty, her heirs and successors, shall not at any time hereafter sue, impeach, question, or implead any person or persons for or in anywise concerning any manors, lands, tenements, rents, tithes, or hereditaments whatsoever (other than liberties or franchises) which such person or persons, or his or their or any of their ancestors or predecessors, or those from, by, or under whom they do or shall claim, have, or shall have held or enjoyed or taken the rents, revenues, issues, or profits thereof, by the space of sixty years next before the filing, issuing, or commencing of every such action, bill, plaint, information, commission, or other suit or proceeding as shall at any time or times hereafter be filed, issued, or commenced for recovering the same or in respect thereof, by reason only that the same manors, lands, tenements, rents, tithes, or hereditaments, or the rents, revenues, issues, or profits thereof, have or shall have been in charge to Her Majesty or her predecessors or successors within the said sixty years, but that such having been in charge shall be, as against such person and persons, The Crown not to sue for lands, &c. after 60 years by reason only of same having been in charge.

A.D. 1876.

and all claiming by, from, and under them or any of them, of no force or effect.

The Crown not to sue after 60 years by reason only of the lands, &c. sued for being part of a manor, &c. of which the rents, &c. have been answered to Her Majesty, &c.

2. The Queen's Majesty, her predecessors and successors, shall not be held, deemed, or taken for the purpose of any suit, bill, plaint, information, commission, or other proceeding to have been answered the rents, revenues, issues, or profits of any lands, manors, tenements, rents, tithes, or hereditaments which shall have been held or enjoyed, or of which the rents, revenues, issues, or profits shall have been taken, by any other person or persons by the space of sixty years next before the filing, issuing, or commencing of any such action, suit, bill, plaint, information, commission, or other proceeding for recovering the same or in respect thereof, by reason only of the same lands, manors, tenements, rents, tithes, or hereditaments having been part or parcel of any honour or manor or other hereditaments of which the rents, revenues, issues, or profits shall have been answered to Her Majesty, her predecessors or successors, or some other person under whom Her Majesty, her predecessors or successors, hath or lawfully claimeth or shall hereafter have or lawfully claim as aforesaid, or of any honour, manor, or other hereditaments which shall have been duly in charge to Her Majesty, her predecessors or successors as aforesaid.

Preserving right to reversionary interests.

3. In the construction of the Act passed in the forty-eighth year of the reign of His late Majesty King George the Third, chapter forty-seven, and of this Act, the right or title of the Queen's Majesty, her heirs or successors, to any manors, lands, tenements, rents, tithes, or hereditaments which are now or shall at any time hereafter be subject to or comprised in any demise or lease for any term or terms of years, or for any life or lives granted by or on behalf of Her Majesty, or any of Her Royal predecessors or successors, shall not be deemed to have first accrued or grown until the expiration or determination of such demise or lease as against any person or persons whose possession, holding, or enjoyment of such manors, lands, tenements, rents, tithes, or hereditaments, or whose receipt of the rents, issues, or profits thereof shall have commenced during the term of such demise or lease, or who shall claim from, by, or under any person or persons whose possession, holding, or enjoyment of such manors, lands, tenements, rents, tithes, or hereditaments, or whose receipt of the rents, issues, or profits thereof shall have so commenced as aforesaid.

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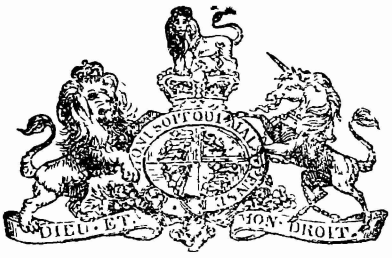
Act not to apply to existing suits.

4. Nothing contained in this Act shall extend to any action, bill, plaint, information, commission, or other suit or proceeding instituted or commenced before the passing of this Act, and now pending.

This Act to be read as one Act with 48 G. 3. c. 47.

5. This Act may be cited as "The Nullum Tempus (Ireland) Act, 1876," and shall be read and construed with the Act for quieting possessions and confirming defective titles in Ireland passed in the forty-eighth year of His Majesty King George the Third.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.



CHAPTER 38.

An Act to extend the Limits of Age up to which, with the assent of Boards of Guardians, orphan and deserted pauper Children may be supported out of Workhouses in Ireland. A.D. 1876.

[11th August 1876.]

WHEREAS it is expedient on sanitary and social grounds to extend the age up to which orphan and deserted children may be kept out at nurse or boarded out in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. From and after the passing of this Act the Act of the thirty-second and thirty-third year of the reign of Queen Victoria, chapter twenty-five, shall be and the same is repealed. Repeal of 32 & 33 Vict. c. 25.

2. From and after the passing of this Act it shall be lawful for the board of guardians of any union in Ireland to provide for the relief of any orphan or deserted child out of the workhouse, if they shall think fit to do so, by placing such child out at nurse or boarding it out according to their discretion, and also at any time to withdraw such child from the care of the person with whom it has been placed out at nurse or boarded out: Provided that no child shall be placed out with any person who does not profess the same religion as that in which the child has been registered, and that no child shall continue to be so relieved after the age of thirteen years. Relief of orphans, &c.

3. For the purpose of giving effect to the provisions of this Act the Local Government Board for Ireland may from time to time make orders with respect to all or any of the matters following; (that is to say,) Power to Local Government Board to make orders.

1. The form of contract to be entered into by boards of guardians;
2. The conditions upon which children shall be placed out at nurse or boarded out;

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3. The number of children to be lodged in each house and with each person;
4. The attendance of children at divine worship and at school;
5. The supervision of children placed out at nurse or boarded out; and generally with respect to all such matters as the Local Government Board shall think proper.

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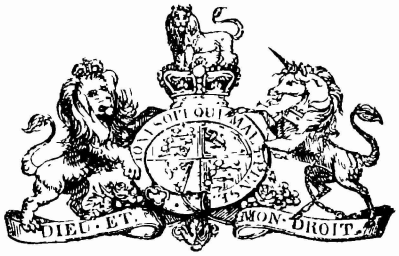

CHAPTER 39.

An Act to continue certain Turnpike Acts in Great Britain, and to repeal certain other Turnpike Acts; and for other purposes connected therewith. [11th August 1876.] A.D. 1876.

WHEREAS it is expedient to continue for limited times some of the Acts herein-after specified, and to repeal others, and to make further provisions concerning turnpike roads:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Acts specified in the first schedule annexed hereto shall be repealed on and after the dates specified in each instance. Schedule 1.

2. The Acts specified in the second schedule annexed hereto shall expire at the time in that behalf mentioned in "The Annual Turnpike Acts Continuance Act, 1875." Schedule 2.

3. The Acts specified in the third schedule annexed hereto shall continue in force until the dates specified in each instance, and no longer. Schedule 3.

4. The Acts specified in the first and second columns of the fourth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the dates specified in the fourth column thereof, be subject to the modifications specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the dates specified in the sixth column thereof, and no longer. Schedule 4.

Where specified in the seventh column thereof the arrears of interest due on the thirty-first day of December one thousand eight hundred and seventy-five, and remaining unpaid at the time of the passing of this Act, in respect of the roads subject to the trusts comprised in so much of the Acts as is specified in the third column thereof, are hereby extinguished.

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Schedule 5.

5. The Act specified in the first and second columns of the fifth schedule annexed hereto shall, to the extent specified in the third column thereof, as from the date specified in the fourth column thereof, be subject to the modification specified in the fifth column thereof, and shall, to the same extent, as so modified, continue in force until the date specified in the sixth column thereof, unless Parliament in the meantime otherwise provides.

Schedule 6.

6. The Acts specified in the sixth schedule annexed hereto shall continue in force until the first day of November one thousand eight hundred and seventy-seven, and no longer, unless Parliament in the meantime otherwise provides.

Continuance of all other Turnpike Acts.

7. Such provisions, if any, of the said Acts mentioned in the said schedules as are not affected by the preceding sections, and all other Acts now in force for regulating, making, amending, or repairing any turnpike road in Great Britain which will expire at or before the end of the next session of Parliament, shall continue in force until the first day of November one thousand eight hundred and seventy-seven, and to the end of the then next session of Parliament, unless Parliament in the meantime otherwise provides; but this section shall not affect any Act continued to a specified date and no longer.

Extension of time for giving notice for extinction of unclaimed mortgage debt.

8. Where the notice required by the nineteenth section of "The Annual Turnpike Acts Continuance Act, 1871," has been omitted to be given by the trustees of a turnpike trust about to expire, the Local Government Board may, by order, prescribe some other dates for the publication of such notice, and the dates so prescribed shall be substituted for those mentioned in such section, and the provisions contained in the said section shall take effect in every other respect as if the notice had been given at the times specified in such section.

Power to appoint a person to wind up an expired trust.

9. Where the powers of the trustees of any turnpike trust shall have ceased before the affairs of their trust shall have been completely wound up, the Local Government Board may, by order, appoint some fit and proper person to complete the winding up of the affairs of the trust, and such person shall have and exercise all the powers which would have been possessed by the trustees for that purpose if the trust had not ceased.

Provision for rateable distribution of funds in hand amongst creditors.

10. Where provision has been or shall hereafter be made in any Annual Turnpike Acts Continuance Act for the continuance of a turnpike trust to a specified date and no longer, it shall be lawful for the trustees to divide, from time to time, any moneys arising under such trust, and which have been set apart or may be appli-

cable towards the discharge of the principal debts owing on the security of the tolls, rateably among the creditors, notwithstanding the provision in any Act of Parliament directing such moneys to be paid after proposals for composition, and without being required to advertise for such proposals previously to the division: Provided that when the trustees elect to proceed under this section they may from time to time postpone the distribution of the amount which may be so set apart or applicable as aforesaid, although the same amounts to or exceeds the sum of two hundred pounds. A.D. 1876.

11. This Act may be cited for all purposes as "The Annual Turnpike Acts Continuance Act, 1876." Short title.

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SCHEDULES.

SCHEDULES 1 TO 5.

County.	Name of Trust.	No. of Schedule.	No. of Act.
Berks	Harwell and Streatley	4	95
	Speenhamland Districts of Reading and Marlborough	4	52, 53
Bucks	Buckingham and Newport Pagnel	4	92
	Buckingham and Towcester	3	44
	Wendover and Buckingham	4	80, 84
Cambridge	Redcross	2	27
	Wisbech and Thorney	4	85
Chester	Chester, Neston, and Woodside Ferry, and Hinderton and Birkenhead, United	4	71, 90
	Chester and Tarvin, and Chester and Frodsham, United	4	72, 76
	Chester and Whitchurch, and Chester, Farndon and Worthenbury United	4	59, 97
Cornwall	Bodmin and Roche	4	93
	St. Austell and Lostwithiel	3	43
Cumberland	Brampton and Longtown	2	26
	Carlisle and Brampton	2	23
Derby	Alfreton and Derby	2	17
	Alfreton, Higham, and Tibshelf	4	78
	Alfreton and Mansfield	2	8
	Chapel-en-le-Frith	4	99
	Chesterfield to Matlock, Darley and Rowsley Bridges	4	62
	Derby to Uttoxeter	4	67
	Ideridgehay and Duffield	4	81
	Mansfield and Chesterfield	4	51
	Wirksworth and Hulland Ward	4	81
Devon	Ashburton	4	91
	Axminster	2	16
	Bideford	2	35
	Moretonhampstead	4	88
	Sidmouth and Cullompton	2	31
Dorset	Bridport and Broadwinsor	1	3
	Wareham	2	40
	Weymouth, Melcombe Regis, and Dorchester	4	69
Durham	Darlington, or Angel Inn and Barton Lane End	4	83
Gloucester	Coldharbour District	4	57
	Kingswood	2	32
	Southgate	4	55
	Stroud, Painswick and Gloucester	2	34
Hants	Bishop's Waltham and Fisher's Pond	4	89
	Botley	2	25
	Popham Lane to Winchester	2	19
	Romsey and Ringwood	4	65
	Romsey and Winchester	2	19
	Whiteparish, Romsey, and Southampton	4	66

County.	Name of Trust.	No. of Schedule.	No. of Act.
Huntingdon	Kimbolton	4	54
Kent	Canterbury and Ramsgate, Second District	2	7, 11
	Dover to Sandwich, through Waldershare	4	45, 61
	Herne Bay	4	50
	Sandwich, Margate, and Ramsgate	4	74
Lancaster	Edenfield Chapel to Little Bolton	1	5
	Ince, Hindley, and Westhoughton	2	20
	Moses Gate	2	41
	Warrington and Lower Irlam	2	9
Leicester	Hinckley and Lutterworth	2	18
Lincoln	Dexthorpe	1	4
	Grantham and Nottingham, Eastern District	2	21
	Spalding and Deeping	4	94
Norfolk	Aylsham and Cromer	2	28
	Wells and Fakenham	4	75
Northampton	Hardingstone and Old Stratford	4	86
	Higham Ferrers	2	14
	Ouadle and Middleton Lane	2	37
	Thorney Road	4	46
Northumberland.	Hexham	2	33
Nottingham	Mansfield and Worksop	1	6
	Nottingham and Grantham, Western District	2	21
	Worksop to Retford	4	60
Oxford	Bicester, Aynho, and Finmere	4	48
	Enstone, Heyford Bridge, Bicester, Weston, and Kirtlington	4	47
Salop	Burlton and Llanymynech	4	49
Somerset	Bath	4	79
	Martock and South Petherton	4	63
Stafford	Stourbridge and Bridgnorth	4	100
Surrey	Guildford and Alfold	4	77
	Guildford and Farnham	2	13
Sussex	Brighton, Cuckfield, and West Grinstead	2	38
	Brighton and Newhaven	5	101
	Five Oaks	2	29
	Henfield	3	42
	Petworth	4	96
	Staplecross	4	64
	Storrington and Wiston	4	82
Warwick	Stratford and Edgehill	2	10
	Stratford-on-Avon and Long Compton	4	70
Westmorland	Kirkby Lonsdale, Kendal, and Milnthorp	4	98
Worcester	Dudley, Halesowen and Bromsgrove, and Dudley and New Inn, and Dudley and Wolverhampton, United	2	24, 30, 36
	Hundred House, First District; " " Second District	2	15

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County.	Name of Trust.	No. of Schedule.	No. of Act.
York - -	Bawtry and Selby - - - - -	4	87
	Doncaster and Thorne - - - -	2	22
	Skipton and Clitheroe - - - -	4	56
	Skipton and Knaresbrough - - - -	1	71
	Thirsk and Yarm - - - - -	2	39
	Todmorden - - - - -	4	58
	Winston Bridge - - - - -	4	68
Denbigh -	Ruthin to Mold - - - - - -	2	12
Flint - -	Chester and Northop - - - -	4	73
Montgomery -	Montgomery, Second District - - -	1	2

A.D. 1876.

Schedule 1.

FIRST SCHEDULE.

Acts which are to be repealed on and after the dates specified in each instance.

Date of Act.	Title of Act.
1 & 2 G. 4. c. xvi. - - *Limited to expire at end of session after* 1 *November* 1876.	1. An Act for continuing the term and altering and enlarging the powers granted by two Acts of His late Majesty, for repairing and widening the road from Skipton to the turnpike road leading from Leeds to Ripon, near Ockbeck, in the township of Bilton with Harrogate, and from thence to communicate with the road leading from Knaresborough to Wetherby, in the west riding of the county of York; *which shall be repealed on and after the* 1*st of January* 1877.
3 G. 4. c. xlix. - - *Limited to expire at end of session after* 1 *November* 1876.	2. An Act for more effectually repairing and improving the roads leading from Bishops Castle and from Montgomery to the road at Westbury, and from Brockton to the road at Minsterley, and other roads therein mentioned, in the counties of Salop, Radnor, and Montgomery; and for amending, widening, and improving several other roads therein mentioned in the said county of Salop; *which, so far as the same relates to the Montgomery or Second District of roads, shall be repealed on and after the* 1*st of November* 1876.
18 & 19 Vict. c. cxii. - - *Limited to expire at end of session after* 29 *July* 1876.	3. An Act for continuing the term and amending and extending the provisions of the Act relating to the Bridport and Broadwinsor turnpike roads; *which shall be repealed on and after the* 1*st of January* 1877.
20 & 21 Vict. c. lxxxviii. - *Limited to expire at end of session after* 1 *October* 1878.	4. An Act to repeal so much of the Act relating to the road from Bawtry Bridge in the county of Nottingham to Hainton in the county of Lincoln, and other roads, as relates to the Second District of Roads therein mentioned, and to make other provisions in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1876.
24 Vict. c. i. - - - *Limited to expire at end of session after* 29 *October* 1882.	5. An Act to repeal the Act of the third year of the reign of Her present Majesty, entitled "An Act for more effectually "repairing and improving the road from Edenfield Chapel "to Little Bolton, and certain branch roads connected "therewith, all in the county palatine of Lancaster;" and to confer other powers in lieu thereof; *which shall be repealed on and after the* 1*st of November* 1876.
28 & 29 Vict. c. ccix. - - *Limited to expire at end of session after* 1 *November* 1878.	6. An Act for the Mansfield and Worksop turnpike road in the counties of Nottingham and Derby; *which shall be repealed on and after the* 1*st of January* 1877.

A.D. 1876.

Schedule 2.

SECOND SCHEDULE.

Acts which are to expire at the date (1st November 1876) mentioned in 38 & 39 Vict. c. cxciv.

Date of Act.	Title of Act.
42 G. 3. c. v. - -	7. An Act for repairing, altering, widening, and improving the road leading from the city of Canterbury to the town of Ramsgate in the Isle of Thanet in the county of Kent; and for suspending and varying, for a limited time, so much of an Act passed in the twenty-seventh year of the reign of His present Majesty, as relates to the toll gate and to the tolls now payable by virtue of the said Act, on the road leading from the said city of Canterbury to the Isle of Thanet; *so far as the same relates to the Second District of Roads.*
52 G. 3. c. vii. - -	8. An Act for continuing the term, and altering and enlarging the powers of two Acts of His present Majesty, for repairing the road from Alfreton to Mansfield, in the counties of Derby and Nottingham, and other roads therein mentioned.
58 G. 3. c. xlii. - -	9. An Act for more effectually repairing and improving the road between Warrington and Lower Irlam, in the county palatine of Lancaster.
59 G. 3. c. liv. - -	10. An Act for reviving and continuing the term and enlarging the powers of an Act of His present Majesty, for repairing the road leading from Stratford-upon-Avon to Edghill in the county of Warwick.
3 G. 4. c. xxxix. - -	11. An Act for continuing the term and altering and enlarging the powers of an Act of the forty-second year of the reign of His late Majesty King George the Third, for repairing and improving the road leading from the city of Canterbury to the town of Ramsgate in the county of Kent; and for suspending and varying for a further limited time so much of an Act passed in the twenty-seventh year of the reign of His said late Majesty, as relates to the toll gate and to the tolls payable by virtue of the said Act, on the road leading from the said city of Canterbury to the Isle of Thanet in the said county of Kent; and for altering the line of certain parts of the said road; *so far as the same relates to the Second District of Roads.*
3 G. 4. c. xli. - -	12. An Act for continuing the term and altering, amending, and enlarging the powers of several Acts, for repairing the roads therein mentioned, in the counties of Denbigh and Flint; so far as relate to the road from Ruthin in the county of Denbigh to Mold in the county of Flint.
3 G. 4. c. lxvii. - -	13. An Act for enlarging the term and powers of several Acts passed for repairing the road from the town of Guldeford to the Directing Post near the town of Farnham in the county of Surrey.
3 G. 4. c. lxxxvi. - -	14. An Act for continuing the term and altering and enlarging the powers of several Acts passed in the reign of King George the Second, and His late Majesty King George the Third, for repairing the road from Westwood Gate in the county of Bedford, through Rushden and Higham Ferrers, and over Artleborough Bridge, to Barton Seagrave Lane, in the county of Northampton.

Date of Act.	Title of Act.
3 G. 4. c. lxxxix. - -	15. An Act to continue the term and alter and enlarge the powers of an Act of His late Majesty King George the Third, for more effectually amending, widening, improving, and keeping in repair several roads leading from the Hundred House in the county of Worcester, and also several other roads therein mentioned.
3 G. 4. c. cv. - -	16. An Act for repairing, widening, and maintaining several roads in the counties of Dorset and Devon leading to and through the town of Axminster.
4 G. 4. c. xli. - -	17. An Act for more effectually repairing the road from Alfreton in the county of Derby to the town of Derby.
4 G. 4. c. lx. - -	18. An Act for repairing and amending the road from Castle Street at the end of the town of Hinckley in the county of Leicester, to the end of the town of Lutterworth in the same county.
4 G. 4. c. cxx. - -	19. An Act for repairing the roads from Oxdown Gate in Popham Lane to the city of Winchester, and from the said city through Hursley to Chandler's Ford, and from Hursley aforesaid to the turnpike road at Romsey, and from the Hundred at Romsey, through Chilworth to the river at Swathling, in the county of Southampton; and from the said turnpike road at Romsey, through Ringwood in the said county, to Longham Bridge and Wimborne Minster in the county of Dorset; *so far as the same relates to the Popham Lane to Winchester Road, or "First Division," and the Romsey and Winchester Road, or "Second Division."*
6 G. 4. c. xxii. - -	20. An Act for amending and maintaining the road leading from Wigan, and commencing at Clarington Brook, and passing over Amberswood Common through Hindley to a place called Chequer Bent in Westhoughton, all in the county palatine of Lancaster.
6 G. 4. c. xxiv. - -	21. An Act for more effectually repairing the road from Grantham in the county of Lincoln to Nottingham Trent Bridge in the county of Nottingham.
6 G. 4. c. clxxxv. - -	22. An Act for making and maintaining a turnpike road from Doncaster, through Hatfield, to Baln Croft Barn, near Thorne, with one branch therefrom, in the west riding of the county of York.
9 G. 4. c. xx. - -	23. An Act for making and maintaining a turnpike road from the city of Carlisle in the county of Cumberland, by way of Warwick Bridge, to the market town of Brampton in the said county.
10 G. 4 c. lxxix. - -	24. An Act for improving and maintaining certain roads in the counties of Worcester, Warwick, Stafford, and Salop, called "The Dudley, Birmingham, Wolverhampton, and Streetway District," *so far as the same relates to the Dudley and Wolverhampton and Burnt Tree and Birmingham roads.*
10 G. 4. c. lxxxi. - -	25. An Act for maintaining and repairing the road from the river at Swathling, through Botley, to the road at Sherrl Heath, in the county of Southampton.
10 G. 4. c. lxxxii. - -	26. An Act for more effectually repairing the road from Brampton to Longtown, in the county of Cumberland.
11 G. 4. c. xxxviii. -	27. An Act for maintaining the road from Haverhill, in the county of Suffolk, to Redeross in the parish of Great Shelford, in the county of Cambridge.

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Schedule 2.

Date of Act.	Title of Act.
1 & 2 W. 4. c. xiv. -	28. An Act for more effectually repairing the road from Norwich to Cromer, in the county of Norfolk, and two branches of road leading towards Holt and towards Wolterton, in the said county.
2 W. 4. c. lviii. - -	29. An Act for more effectually repairing and maintaining the turnpike road from or near a place called the Five Oaks, in the parish of Billingshurst, to join the Horsham and Guildford turnpike-road on Broadbridge Heath, in the county of Sussex.
2 W. 4. c. lxxxv. - -	30. An Act for improving certain roads within the counties of Worcester, Salop, and Stafford, called "The Dudley and New Inn District of Roads."
7 & 8 Vict. c. xlix. -	31. An Act for making and maintaining a turnpike road from Sidmouth to Collumpton, and also to or near to Hele Mill in the parish of Bradninch, all in the county of Devon.
17 Vict. c. xxi. - -	32. An Act for continuing the term and amending and extending the provisions of the Act relating to the Kingswood District of turnpike roads in the county of Gloucester.
17 & 18 Vict. c. lxxiv. -	33. An Act for maintaining the turnpike road from Greenhead, through Haltwhistle, Hexham, and Corbridge, to the Military Road near Shildon Bar, and the branch road from Corbridge to Heddon-on-the-Wall, all in the county of Northumberland.
17 & 18 Vict. c. xcv. -	34. An Act to repeal the Acts relating to the turnpike road from Gloucester through Painswick, to Stroud, and make other provisions in lieu thereof.
17 & 18 Vict. c. ciii. -	35. An Act for more effectually repairing several roads adjoining or near to the town of Bideford, and for making several lines of road connected with the same, all in the county of Devon.
17 & 18 Vict. c. cv. -	36. An Act for more effectually repairing the roads in the counties of Worcester and Stafford, known as the Dudley, Halesowen, and Bromsgrove District of Roads.
17 & 18 Vict. c. civ. -	37. An Act to repeal an Act for enlarging the term and powers of an Act of His late Majesty George the Third, for repairing the road from Saint Martin Stamford Baron to Kettering, and from Oundle to Middleton Lane, in the county of Northampton, and to make other provisions in lieu thereof; *so far as the same relates to the Oundle to Middleton Lane Road, or "Second District."*
17 & 18 Vict. c. cxxxvii. -	38. An Act for continuing the term and amending and extending the provisions of the Act relating to the Brighton, Cuckfield, and Lovell Heath, and Cuckfield and West Grinstead Turnpike Roads.
17 & 18 Vict. c. clii. -	39. An Act to repeal the Act relating to the Thirsk and Yarm Turnpike Road, and to make other provisions in lieu thereof, and to grant a further term in the said road, and for other purposes.
25 Vict. c. ix. - -	40. An Act to repeal the Act relating to the Wareham Turnpike Roads, and to make other provisions in lieu thereof, and for other purposes.
28 & 29 Vict. c. cccxxxvi.	41. An Act to repeal the Act relating to the Moses Gate and Ringley Branch Turnpike Roads, and to make other provisions in lieu thereof; and to authorise new works, and for other purposes; *so far as the same relates to the "Moses Gate Road."*

THIRD SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer.

Date of Act.	Title of Act.
57 G. 3. c. iii. - -	42. An Act for continuing the term and enlarging the powers of two Acts of the seventeenth and thirty-eighth years of His present Majesty, for repairing the roads from Henfield to Brighthelmstone. and from Poynings Common to High Cross, in the county of Sussex ; and for repealing so much of the said Acts as relates to certain parts of the said roads ; *which shall continue in force until the* 31*st of December* 1876, *and no longer.*
6 W. 4. c. lxii. - -	43. An Act for more effectually repairing and improving the road from the eastern end of the borough of Grampound. through the towns of Saint Austell and Lostwithiel, and thence to the east end of the Western Taphouse Lane, in the county of Cornwall; and for making and maintaining certain new roads communicating therein; *which, so far as the same relates to "The Saint Austell and Lostwithiel District of Turnpike Roads," shall continue in force until the* 1*st of November* 1877, *and no longer.*
17 Vict. c. l. - -	44. An Act to create a further term in the Buckingham and Towcester Road, and to amend and extend the Act relating thereto, and for other purposes ; *which shall continue in force until the* 1*st of November* 1877, *and no longer.*

FOURTH SCHEDULE.

Acts which are to continue in force until the dates specified in each instance, and no longer, subject to modifications.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
41 G. 3. c. xi.	45. An Act for altering, widening, and repairing the road leading from the town and port of Dovor to the town and port of Sandwich, through the parish of Waldershare, and also the road from the present turnpike road, leading from Dovor to Barham Downs, up Kersney Court Hill to the parish of Whitfield, otherwise Beausfield, in the county of Kent.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of May* 1877, *and no longer.*	——
53 G. 3. c. lxxxix.	46. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from Peterborough to Thorney, in the Isle of Ely in the county of Cambridge.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 15*l.* No interest payable.	1*st of November* 1877, *and no longer.*	——
53 G. 3. c. cxxxiii.	47. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the Neat Enstone and Chipping Norton turnpike road, through Bicester to Weston-on-the-Green, in the county of Oxford, and for making a new branch of road to communicate therewith.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* No interest payable.	1*st of November* 1877, *and no longer.*	——
53 G. 3. c. cc.	48. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the Market Place in Bicester, in the county of Oxford, to the Buckingham turnpike road in Aynho, in the county of Northampton; and for extending the powers of the said Act to an adjoining branch of road.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 200*l.* Salaries and incidentals limited to 60*l.* No interest payable.	1*st of November* 1877, *and no longer.*	——

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
54 G. 3. c. xxvi.	49. An Act for enlarging the term and powers of two Acts of His present Majesty, for repairing the road from Burlton, through Knockin to Llanymynech in the county of Salop, and other places therein mentioned.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
54 G. 3. c. li.	50. An Act for amending, widening, and keeping in repair the road leading from Sturry Street to Herne Bay in the county of Kent.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
55 G. 3. c. xvi.	51. An Act for continuing the term, and altering and enlarging the powers of several Acts of His late Majesty King George the Second, and of His present Majesty, for repairing and widening the road from the town of Mansfield, in the county of Nottingham, to the turnpike road leading from Derby to Chesterfield in the county of Derby.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 450*l.*, and limited to 500*l.* per annum. Salaries limited to 65*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	—
55 G. 3. c. xcv.	52. An Act to continue the term, and amend and enlarge the powers of two Acts passed for repairing the road from Reading to Speenhamland and Puntfield, in the county of Berks, and other roads in the said county.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* per annum. Rate of interest not to exceed 3*l.* per cent. per annum.	1*st of November* 1878, *and no longer.*	—
56 G. 3. c. lxxx.	53. An Act to continue the term and alter and enlarge the powers of several Acts of His present Majesty's reign, for repairing the highways from Speenhamland, in the county of Berks, to Marlborough, in the county of Wilts, and other roads therein mentioned, so far as relates to the Speenhamland District of the said roads.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* per annum. Rate of interest not to exceed 3*l.* per cent. per annum.	1*st of November* 1878, *and no longer.*	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
59 G. 3. c. xcix.	54. An Act for continuing and amending three Acts of His late and present Majesty, for repairing the roads from Brown's Lane in Great Staughton, in the county of Huntingdon, to the Way Post near Wellingborough Bridge, in the county of Northampton, and from the Pound in the Kimbolton to the Way Post near Brington Bridge, in the said county of Northampton.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 350*l.*, and limited to 400*l.* Salaries and incidentals limited to 50*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
1 & 2 G. 4. c. vi.	55. An Act to enlarge the term and powers of two Acts of His late Majesty, for repairing and widening the road from a bridge over a stream called Sudbrook, near the city of Gloucester, to the Nine Mile Stone on the Bristol Road, near the Clay Pitts, in the county of Gloucester, and for extending the powers thereof to the entrance of the city of Gloucester.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of May* 1877, *and no longer.*	—
1 & 2 G. 4. c. xxxi.	56. An Act for repairing and improving the road from Skipton in the county of York, to Clitheroe in the county of Lancaster.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 300*l.* per annum. Salaries and incidentals limited to 50*l.* per annum. No interest payable.	1*st of November* 1879, *and no longer.*	—
1 & 2 G. 4. c. lxxxiii.	57. An Act for repairing the roads from Tetbury to Symondshall, from Frocester Hill to Dunkirk, and from the Latterwood to Nailsworth, and other roads therein mentioned, all in the county of Gloucester.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 15*l.* No interest payable.	1*st of May* 1877, *and no longer.*	—

1. Date of Act.	2. Title of Act	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7 Arrears of Interest extinguished.
1 & 2 G. 4. c. cxi.	58. An Act for repairing and maintaining the roads from Todmorden to Fulledge Lane End in Burnley, and to Littleborough in the county of Lancaster, and to Kingcross in the parish of Halifax in the county of York.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 2,700*l.* per annum. Salaries and incidentals limited to 200*l.* per annum. Rate of interest not to exceed 3*l.* per cent. per annum.	1*st of November* 1878, *and no longer.*	—
3 G. 4. c. xi.	59. An Act for continuing the term, and altering, amending, and enlarging the powers of the several Acts passed for repairing the road from the Bars at Boughton, within the liberties of the city of Chester to Whitchurch, and from thence to Newport in the county of Salop, and other roads in the said Acts mentioned; so far as relate to the First District of Roads in the said Acts mentioned; and for diverting a certain part of the road comprised within the said district.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
3 G. 4. c. xxxviii.	60. An Act for amending, widening, altering, and keeping in repair the road from the Eastern End of Potter Street, in the town of Worksop, to the bridge over the Chesterfield Canal, leading into the town of West Retford in the county of Nottingham.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 150*l.* per annum. Salaries and incidentals limited to 50*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	—
3 G. 4. c. xcvi.	61. An Act for continuing the term and enlarging the powers of an Act of the forty-first year of His late Majesty King George the Third, for repairing the road from the town and port of Dover to the town and port of Sandwich, and also the road from the present turnpike road leading from Dover to Barham Downs up Kersney Court Hill to the parish of Whitfield, otherwise Beausfield, in the county of Kent.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of May* 1877, *and no longer.*	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
4 G. 4. c. xxviii.	62. An Act for more effectually repairing the road leading from the turnpike road near the west end of the town of Chesterfield to Matlock Bridge; and also the road leading out of the said road over Darley Bridge to Cross Green; and also the road leading out of the last-mentioned road to the turnpike road near Rowesley Bridge, all in the county of Derby.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 450*l.* per annum. Salaries and incidentals limited to 20*l.* per annum. No interest payable.	1*st of November* 1879, *and no longer.*	—
4 G. 4. c. lxii.	63. An Act for more effectually repairing the roads from Dyed Way to Somerton, and from Gawbridge to Tintinhull Fords, and from a stream of water called Ford to Cartgate in Martock, and other roads therein mentioned, in the county of Somerset.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 250*l.* No interest payable.	1*st of May* 1877, *and no longer.*	—
4 G. 4. c. lxv.	64. An Act for more effectually repairing the roads from Staplecross to Hornscross, and from Hornscross to the turnpike road near Brickwall House in the parish of Northiam, and from Hornscross to the turnpike road near the Windmill in the parish of Beckley, and from Staplecross to Bodiam Bridge, and to the turnpike road at Silver Hill, all in the county of Sussex.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 15*l.* per annum. No interest payable.	1*st of May* 1878, *and no longer.*	—
4 G. 4. c. cxx.	65. An Act for repairing the roads from Oxdown Gate in Popham Lane to the city of Winchester, and from the said city through Hursley to Chandler's Ford, and from Hursley aforesaid to the turnpike road at Romsey, and from the Hundred at Romsey, through Chilworth to the river at Swathling, in the county of Southampton; and from the said turnpike road at Romsey, through Ringwood in the said county, to Longham Bridge and Wimborne Minster in the county of Dorset.	*So far as the same relates to the Romsay and Ringwood Road, or "Third Division."*	1 November 1876.	No money to be expended in repair of roads. Salaries limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—

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Schedule 4.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
5 G. 4. c. lxxxiii.	66. An Act for amending the roads leading from Brickworth Pond in the parish of Whiteparish in the county of Wilts, through Romsey in the county of Southampton, to the county of the town of Southampton.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 240*l.* per annum. Rate of interest not to exceed 2*l.* per cent. per annum.	1*st May* 1878, *and no longer.*	—
6 G. 4. c. i.	67. An Act for more effectually repairing and otherwise improving the road from the town of Derby to the town of Uttoxeter in the county of Stafford, and for making and maintaining a new branch of road to communicate with the said road.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 350*l.* per annum. Salaries and incidentals limited to 70*l.* per annum. No interest payable.	1*st of November* 1884, *and no longer.*	—
6 G. 4. c. vii.	68. An Act for more effectually repairing the roads from the turnpike road upon Gatherley Moor in the county of York to Staindrop in the county of Durham, and from the said turnpike road near Smallways, across the river Tees, to Winston in the said county of Durham.	The entire Act	1 November 1876.	No money to be expended in repair of roads. No interest payable.	1*st of November* 1877, *and no longer.*	—
6 G. 4. c. c.	69. An Act for more effectually repairing, widening, and improving several roads leading to and through the towns of Weymouth and Melcombe Regis and Dorchester, in the county of Dorset.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 700*l.* per annum. Salaries and incidentals limited to 100*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	—
6 G. 4. c. clv.	70. An Act for repairing the road from Bridgetown in the parish of Old Stratford in the county of Warwick to the top of Long Compton Hill in the same county, and a certain other road in the counties of Warwick, Worcester, and Gloucester, and for making a new branch of road from the village of Long Compton aforesaid into the turnpike road leading from Long Compton Hill to Woodstock in the county of Oxford.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 30*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
7 G. 4. c. xix.	71. An Act for making and maintaining a turnpike road, commencing at or near a certain house called the Shrewsbury Arms, situate at Hinderton in the township of Little Neston, by way of Upton, and terminating in the township of Hoose, and from Upton aforesaid to the township of Birkenhead, and also certain branches of road to communicate therewith, all in the county palatine of Chester.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 1,800*l.*, and limited to 2,200*l.* per annum. Salaries and incidentals limited to 300*l.* per annum. Rate of interest not to exceed 3*l.* per cent. per annum. Bridge at Barnstone to be rebuilt.	1*st of November* 1883, *and no longer.*	—
9 G. 4. c. lxxi.	72. An Act for more effectually repairing and maintaining the road from the city of Chester to the town of Frodsham in the county of Chester, and from the said town of Frodsham to Ashton Lane End in the same county.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 650*l.* per annum. Salaries and incidentals limited to 120*l.* per annum. No interest payable.	1*st of November* 1883, *and no longer.*	—
9 G. 4. c. lxxiv.	73. An Act to alter, amend, and enlarge the powers and provisions of several Acts relating to the road from Chester to Northop in the county of Flint.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 270*l.*, and limited to 300*l.* per annum. Salaries and incidentals limited to 50*l.* per annum. No interest payable.	1*st of November* 1883, *and no longer.*	—
9 G. 4. c. lxxxv.	74. An Act for more effectually repairing the road from the town and port of Sandwich in the county of Kent to the towns of Margate and Ramsgate in the Isle of Thanet in the said county; and for reducing for a limited time the tolls and duties payable at Sandwich Bridge.	The entire Act	1 November 1876.	Amount expended in repair of roads limited to 300*l.* Salaries and incidentals limited to 60*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
9 G. 4. c. ci.	75. An Act to alter, amend, and enlarge the powers and provisions of an Act for making a turnpike road from Wells-next-the-Sea to Fakenham in the county of Norfolk, and other roads connected therewith.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 150*l.*, and limited to 200*l.* per annum. Salaries and incidentals limited to 50*l.* per annum. No interest payable.	1*st of November* 1881, *and no longer.*	—
10 G. 4. c. xxv.	76. An Act for more effectually repairing and maintaining the road from the city of Chester, through Tarvin, to the township of Delamere, and from Tarvin to Duddon Smithy, all in the county of Chester, with the several branches thereof.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 650*l.* per annum. Salaries and incidentals limited to 120*l.* per annum. No interest payable.	1*st of November* 1883, *and no longer.*	—
10 G. 4. c. lxiv.	77. An Act for repairing and widening the road from the north end of Dapdon Wharf in the parish of Stoke-next-Guldeford, through Guldeford, to Alfold Bars in the county of Surrey.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
10 G. 4. c. lxv.	78. An Act for more effectually repairing the roads from Alfreton to Higham and Tibshelf, in the county of Derby.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 50*l.* and limited to 70*l.* per annum. Salaries and incidentals limited to 20*l.* per annum. No interest payable.	1*st of November* 1880, *and no longer.*	—
10 G. 4. c. cx.	79. An Act for amending and otherwise improving several roads leading into and from the city of Bath, and for making new branches of roads to and from the same.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 40*l.* per annum. No interest payable.	1*st of May* 1878, *and no longer.*	—

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
11 G. 4. c. lxxxi.	80. An Act for more effectually repairing and improving the road from Wendover to the town of Buckingham, in the county of Buckingham.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 650*l.*, and limited to 700*l.* per annum. Salaries and incidentals limited to 85*l.* per annum.	1*st of November* 1878, *and no longer.*	——
11 G. 4. c. cv.	81. An Act for improving and maintaining the turnpike roads from the Wirksworth turnpike road, in the hamlet of Ideridgehay, to the town of Duffield, and from the market place in Wirksworth to the turnpike road leading from Derby to Brassington, and from the said market place to the turnpike road leading from Wirksworth Moor to Matlock Bath, all in the county of Derby.	*So far as the same relates to the Ideridgehay and Duffield Road.*	1 November 1876.	Amount expended in repair of roads limited to 60*l.* per annum. Salaries and incidentals limited to 30*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	——
		So far as the same relates to the Wirksworth and Hulland Ward Roads.	1 November 1876.	Amount expended in repair of roads limited to 140*l.* per annum. Salaries and incidentals limited to 30*l.* per annum. No interest payable.	1*st of May* 1879, *and no longer.*	——
1 W. 4. c. xxxiii.	82. An Act for more effectually repairing the road from Stopham Bridge, in the parish of Pulborough, to the direction post in the parish of Steyning, on the turnpike road leading from Steyning to Horsham, in the county of Sussex.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	——
1 & 2 W. 4. c. xiii.	83. An Act for making a turnpike road (with a branch therefrom) from the Angel Inn, near Darlington, in the county of Durham, to Barton Lane End, in the county of York.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 150*l.* per annum. Salaries and incidentals limited to 50*l.* per annum. No interest payable.	1*st of November* 1879, *and no longer.*	——

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Schedule 4.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
1 & 2 W. 4. c. xxxix.	84. An Act to amend an Act for more effectually repairing and improving the road from Wendover to the town of Buckingham, in the county of Buckingham.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 650*l.*, and limited to 700*l.* per annum. Salaries and incidentals limited to 85*l.* per annum.	1*st of November* 1878, *and no longer.*	—
1 & 2 W. 4. c. xliii.	85. An Act for repairing the road from the town of Wisbech, in the Isle of Ely in the county of Cambridge, to the town of Thorney in the same isle and county.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* per annum. No interest payable.	1*st of November* 1880, *and no longer.*	—
2 W. 4. c. iv.	86. An Act for more effectually repairing and improving the road from Hardingston to Old Stratford, in the county of Northampton.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
2 W. 4. c. lxxiii.	87. An Act for more effectually repairing, improving, and maintaining the road from Bawtry to Selby, in the west riding of the county of York.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 100*l.* Salaries and incidentals limited to 40*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
3 W. 4. c. vi.	88. An Act for repairing the road from Reedy Gate, in the parish of Dunsford, through Moretonhampstead, to Cherry Brook in the Forest of Dartmoore, in the county of Devon.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* per annum.	1*st of November* 1880, *and no longer.*	—
3 W. 4. c. xvii.	89. An Act for making and maintaining a road from Bishop's Waltham to join the Botley and Winchester road at or near Fisher's Pond, in the parish of Owslebury, in the county of Southampton.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	Arrears of interest extinguished.

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resolution is confirmed by a majority of such members for the time being entitled under the rules to votes as may be present, in person or by proxy, at a subsequent general meeting of which notice has been duly given, held not less than fourteen days nor more than one month from the day of the meeting at which such resolution was first passed. At any meeting mentioned in this section a declaration by the chairman that the resolution has been carried shall be deemed conclusive evidence of the fact.

Change of name.

(2.) A society may, by special resolution, with the approval in writing of the chief registrar, or, in the case of societies registered and doing business exclusively in Scotland or Ireland, the assistant registrar for Scotland or Ireland respectively, change its name; but no such change shall affect any right or obligation of the society, or of any member thereof, and any pending legal proceedings may be continued by or against the society, notwithstanding its new name.

Amalgamation of societies.

(3.) Any two or more societies may, by special resolution of both or all such societies, become amalgamated together as one society, with or without any dissolution or division of the funds of such societies or either of them; and any society may by special resolution transfer its engagements to any other registered society which may undertake to fulfil the engagements of such society.

Conversion of societies into companies, &c.

(4.) A society may by special resolution determine to convert itself into a company under the Companies Acts, or to amalgamate with or transfer its engagements to any such company.

Rights of creditors.

(5.) No amalgamation or transfer of engagements shall prejudice any right of a creditor of either or any society party thereto.

Registration of special resolutions.

(6.) A copy of every special resolution for any of the purposes mentioned in this section, signed by the chairman of the meeting and countersigned by the secretary, shall be sent to the central office and registered there, and until such copy is so registered, such special resolution shall not take effect.

Registration of copy of special resolution as memorandum of association.

(7.) If a special resolution for converting a society into a company contains the particulars by the Companies Act, 1862, required to be contained in the memorandum of association of a company, and a copy thereof has been registered at the central office, a copy of such resolution under the seal or stamp of the central office shall have the same effect as a memorandum of association duly signed and attested under the said Act.

Registry of society under Act to become void on registration as a company, &c.

(8.) If a society be registered as, or amalgamates with, or transfers all its engagements to a company, the registry of such society under this Act shall thereupon become void, and the same shall be cancelled by the chief registrar or by the assistant registrar for Scot-

1 Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
3 W. 4. c. xl.	90. An Act for improving certain roads within the county palatine of Chester, called the Chester, Neston, and Woodside Ferry District of Roads.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 1,800*l.*, and limited to 2,200*l.* per annum. Salaries and incidentals limited to 300*l.* per annum. Rate of interest not to exceed 3*l.* per cent. per annum. Bridge at Barnstone to be rebuilt.	1*st of November* 1883, *and no longer.*	—
5 W. 4. c. xxxv.	91. An Act for making, maintaining, and repairing certain roads near the towns of Ashburton and Totnes, in the county of Devon.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	Arrears of interest extinguished.
6 W. 4. c. ix.	92. An Act for repairing the road from the town of Buckingham, in the county of Buckingham, to the West Chester or Holyhead road, in the parish of Passenham, in the county of Northampton, and from the north-east end of the town of Stony Stratford to Newport Pagnel, in the said county of Buckingham.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 490*l.* per annum. Salaries and incidentals limited to 75*l.* per annum. No interest payable.	1*st of May* 1878, *and no longer.*	—
6 W. 4. c. lxii.	93. An Act for more effectually repairing and improving the road from the eastern end of the borough of Grampound, through the towns of Saint Austell and Lostwithiel, and thence to the east end of the Western Taphouse Lane, in the county of Cornwall; and for making and maintaining certain new roads communicating therein.	*So far as the same relates to "The Bodmin "and Roche "district of "turnpike "roads."*	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	—

land or Ireland under his direction; but the registration of a society as a company shall not affect any right or claim for the time being subsisting against such society, or any penalty for the time being incurred by such society; and for the purpose of enforcing any such right, claim, or penalty, the society may be sued and proceeded against in the same manner as if it had not become registered as a company; and every such right or claim, or the liability to such penalty, shall have priority as against the property of such company, over all other rights or claims against or liabilities of such company.

Dissolution of societies.

17. With respect to the dissolution of registered societies, the following provisions shall have effect:

How societies may be dissolved.

(1.) A society may be dissolved—

By an order to wind up the society, or a resolution for the winding up thereof, made as is directed in regard to companies by the Companies Act, 1862, the provisions whereof shall apply to any such order or resolution, except that the court having jurisdiction in the winding up shall be the county court, and that the term registrar shall for the purpose of such winding up mean the central office in England, or the assistant registrar in Scotland or Ireland, as the case may be; or,

By the consent of three fourths of the members, testified by their signatures to an instrument of dissolution.

Liability of the members.

(2.) Where a society is wound up the liability of a present or past member of the society to contribute for payment of the debts and liabilities of the society, the expenses of winding up, and the adjustment of the rights of contributories amongst themselves, shall be qualified as follows:

(*a.*) No individual, society, or company who or which has ceased to be a member for one year or upwards prior to the commencement of the winding up shall be liable to contribute:

(*b.*) No individual, society, or company shall be liable to contribute in respect of any debt or liability contracted after he or it ceased to be a member:

(*c.*) No individual, society, or company not a member shall be liable to contribute, unless it appears to the court that the contributions of the existing members are insufficient to satisfy the just demands on the society:

(*d.*) No contribution shall be required from any individual, society, or company exceeding the amount, if any, unpaid on the shares in respect of which he or it is liable as a past or present member:

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
6 & 7 Vict. c. xciv.	94. An Act for repairing and maintaining the roads from Spalding High Bridge, through Littleworth, to James Deeping Stone Bridge and Handley's Bridge, in the county of Lincoln, and from Deeping Stone Bridge Maxey Outgang, in the county of Northampton.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 25*l.* per annum. No interest payable.	1*st of November* 1878, *and no longer.*	—
8 & 9 Vict. c. cli.	95. An Act for repairing and maintaining the road from Harwell to Streatley in the county of Berks.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 15*l.* per annum. No interest payable.	1*st of November* 1879, *and no longer.*	—
17 Vict. c. lxxi.	96. An Act to repeal certain Acts relating to the Petworth Turnpike Roads, and to make other provisions in lieu thereof.	The entire Act	1 November 1876.	No interest payable - -	1*st of May* 1877, *and no longer.*	—
17 & 18 Vict. c. lxxxvi.	97. An Act for making a turnpike road from Chester, by Farndon, to Worthenbury, with a branch therefrom to the village of Farndon.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries limited to 20*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—
17 & 18 Vict. c. cxlv.	98. An Act for more effectually repairing the road from the Toll House Beck, in the township of Ireby, in the county of Lancaster, to Kirkby Lonsdale and Kirkby Kendal, in the county of Westmorland, and through Kirkby Lonsdale to Milnthorpe in the said county.	The entire Act	1 November 1876.	Amount expended in repair of roads to be not less than 500*l.* No interest payable.	1*st of November* 1877, *and no longer.*	—

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(*e.*) An individual, society, or company shall be taken to have ceased to be a member, in respect of any withdrawable share withdrawn, from the date of the notice or application for withdrawal.

Contents of instrument of dissolution.

(3.) Where a society is terminated by an instrument of dissolution the following provisions shall apply:

(*a.*) The instrument of dissolution shall set forth the liabilities and assets of the society in detail, the number of members and the nature of their interests in the society respectively, the claims of creditors (if any), and the provision to be made for their payment, and the intended appropriation or division of the funds and property of the society, unless the same be stated in the instrument of dissolution to be left to the award of the chief registrar:

Alterations.

(*b.*) Alterations in the instrument of dissolution may be made with the like consents as herein-before provided, and testified in the same manner:

Statutory declaration.

(*c.*) A statutory declaration shall be made by three members and the secretary of the society that the provisions of this Act have been complied with, and shall be sent to the registrar with the instrument of dissolution; and any person knowingly making a false or fraudulent declaration in the matter shall be guilty of a misdemeanor:

Registry of instrument of dissolution.

(*d.*) The instrument of dissolution and all alterations therein shall be registered in manner herein provided for the registry of rules, and shall be binding upon all the members of the society:

Notice of dissolution.

(*e.*) The registrar shall cause a notice of the dissolution to be advertised at the expense of the society in the Gazette and in some newspaper circulating in the county in which the registered office of the society is situated; and unless within three months from the date of the Gazette in which such advertisement appears, a member or other person interested in or having any claim on the funds of the society commences proceedings to set aside the dissolution of the society in the county court of the district where the registered office of the society is situate, and such dissolution is set aside accordingly, the society shall be legally dissolved from the date of such advertisement, and the requisite consents to the instrument of dissolution shall be considered to have been duly obtained without proof of the signatures thereto:

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Dates from which Modifications are to commence.	5. Modifications.	6. Dates up to which Continuation is enacted.	7. Arrears of Interest extinguished.
17 & 18 Vict. c. clxv.	99. An Act to repeal the Act for more effectually repairing and maintaining the turnpike road from Chapel-en-le-Frith to or near to Enterclough Bridge, in the county of Derby, and other roads therein mentioned in the county of Derby, and in the county palatine of Chester, and to make other provisions in lieu thereof.	The entire Act	1 November 1876.	No interest payable - -	1*st of May* 1877, *and no longer.*	——
17 & 18 Vict. c. clxxiii.	100. An Act for more effectually repairing the road from Stourbridge in the county of Worcester, to Bridgnorth in the county of Salop.	The entire Act	1 November 1876.	No money to be expended in repair of roads. Salaries and incidentals limited to 20*l.* No interest payable.	1*st of May* 1877, *and no longer.*	——

FIFTH SCHEDULE.

Act which is to continue in force until the date specified, unless Parliament in the meantime otherwise provides, subject to modification.

1. Date of Act.	2. Title of Act.	3. Extent to which Act is modified and continued.	4. Date from which Modification is to commence.	5. Modification.	6. Date up to which Continuation is enacted.
5 G. 4. c. xci.	101. An Act for making and maintaining a road from Brighthelmstone to Newhaven in the county of Sussex.	The entire Act	1 November 1876.	No interest payable - -	1*st of November* 1878.

(*f.*) Notice shall be sent to the central office of any proceeding to set aside the dissolution of a society, not less than seven days before it is commenced, by the person by whom it is taken, or of any order setting it aside, within seven days after it is made by the society.

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Notice of proceedings to set aside a dissolution.

18. With respect to penalties under this Act, the following provisions shall have effect:

Penalties.

(1.) If any person wilfully makes, orders, or allows to be made any entry or erasure in, or omission from any balance sheet of a registered society, or any contribution or collecting book, or any return or document required to be sent, produced, or delivered for the purposes of this Act, with intent to falsify the same, or to evade any of the provisions of this Act, he shall be liable to a penalty not exceeding fifty pounds.

Penalty for falsification.

(2.) If any officer of the society, or any person on its behalf, uses any seal purporting to be a seal of the society, whereon its name is not so engraved as aforesaid, or issues or authorises the issue of any notice, advertisement, or other official publication of the society, or signs or authorises to be signed on behalf of the society any bill of exchange, promissory note, endorsement, cheque, order for money or goods, or issues or authorises to be issued any bills of parcels, invoice, receipt, or letters of credit of the society, wherein its name is not mentioned in manner aforesaid, he shall be liable to a penalty of fifty pounds, and shall further be personally liable to the holder of any such bill of exchange, promissory note, cheque, or order for money or goods for the amount thereof unless the same is duly paid by the society.

Not using the name of the society.

(3.) Every society, officer or member of a society, or other person guilty of an offence under this Act for which no penalty is expressly provided herein shall be liable to a penalty of not less than one pound and not more than five pounds.

Penalties for ordinary offences.

(4.) The penalties imposed or to be imposed (1) by this Act, (2) by any regulations under the same, or (3) by the rules of a registered society, shall be recoverable in a court of summary jurisdiction, and at the suit, in cases (1) and (2), of the chief registrar, or of any assistant registrar, or of any person aggrieved, and, in case (3), of the society.

Recovery of penalties.

19. With respect to summary procedure and appeals from orders or convictions thereon made, the following provisions shall have effect:

Summary procedure and appeals.

(1.) In England and Ireland all offences and penalties under this Act may be prosecuted and recovered, in the manner directed

Prosecution for offences, &c.

SIXTH SCHEDULE.

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Schedule 6.

Acts which are to continue in force until the 1st November 1877, and no longer, unless Parliament in the meantime otherwise provides.

County.	Name of Trust.	No. of Act.
	PART I.	
Derby	Owler Bar	20
Dorset	Sherborne	11
Gloucester	Minchinhampton, Tetbury, and Bisley	12
Hants	Gosport, Bishop's Waltham, Wickham, and Chawton	25
	Southampton, South District	14
	Titchfield and Cosham	36
Hereford	Presteigne	7
Kent	Ashford and Ham Street	1, 3
	Bethersden	5
	Canterbury and Barham	15
	Canterbury and Sandwich	8
	Dover to Sandgate	16
	Goudhurst	43
	Malling and Strood	19
Lincoln	Louth	31
Northumberland	Elsdon and Reedwater	6
Nottingham	Mansfield and Tibshelf	41
	Nottingham and Mansfield	24
Oxford	Botley and Newland	47
Salop	Bishop's Castle, First District	9
	Minsterley and Churchstoke	45
Somerset	Crewkerne	22
	Minehead Roads (United)	13, 27
Stafford	Burton-on-Trent and Abbot's Bromley	34
	Cannock and Penkridge	23
	Handsworth and Perry Barr, United	35, 38
	Hanley and Bucknall	2
	Rugeley and Stone, and Branches	46
	Stone, Lane End, and Trentham	50
	Uttoxeter and Stoke, and Millwich and Sandon	53
	Wolverhampton, Old District	39
Surrey	Reigate	4
Sussex	Brighton, Shoreham, and Lancing	29, 48
	Cowfold and Henfield, Old	32
	Mayfield and Wadhurst	28
	Tunbridge Wells and Maresfield	37
Worcester	Stourbridge, United	49

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by the Summary Jurisdiction Acts, as respects a prosecution against a society or its officers, in the place where the registered office of the society is, or where the offence has been committed, or, as respects a prosecution against any person other than a society or its officers, in the place where such person is resident at the time of the institution of such prosecution, or where the offence was committed.

Summary orders.

(2.) In England and Ireland summary orders under this Act may be made and enforced on complaint before a court of summary jurisdiction in the manner provided by the Summary Jurisdiction Acts.

Summary jurisdiction in England and Ireland.

(3.) The court of summary jurisdiction, when hearing and determining an information or complaint, shall consist as follows:

In England—

(*a.*) In any place within the jurisdiction of a metropolitan police magistrate or other stipendiary magistrate, of such magistrate or his substitute:

(*b.*) In the city of London, of the Lord Mayor or any alderman of that city:

(*c.*) In any other place, of two or more justices of the peace sitting in petty sessions.

In Ireland—

(*a.*) In the police district of Dublin metropolis, of a divisional justice:

(*b.*) In any other place, of two or more justices of the peace sitting in petty sessions.

Summary jurisdiction in Scotland.

(4.) In Scotland—

(*a.*) All offences and penalties under this Act may be prosecuted and recovered by the procurator fiscal of the county in the sheriff court, under the provisions of the Summary Procedure Act, 1864:

(*b.*) Summary orders may be made and enforced on complaint in the sheriff court:

(*c.*) All penalties may be enforced in default of payment by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:

(*d.*) All penalties recovered shall be paid to the sheriff clerk, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer on behalf of the Crown:

(*e.*) The sheriffs and their substitutes shall have all jurisdiction, power, and authority necessary for giving effect to these provisions.

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Schedule 6.

County.	Name of Trust.	No. of Act.
York	Beverley and Kexby Bridge, and Beverley, Molescroft, &c. United	26, 33
	Doncaster and Selby	44
	Dunford District	51
	Holme Lane End and Heckmondwike	18
	Holmfirth District	51
	Hull and Hedon, New	30
	Leeds and Collingham	17
	Wakefield and Austerlands	40
	York to Oswaldkirk Bank	21
Carnarvon	Carnarvonshire, Old	42
Flint	Mold and Broughton and Branch	10
	PART II.	
Cornwall	Helston	72
Derby	Cavendish Bridge and Hulland Ward	71
	Nottingham, Third District	60
	Oakerthorpe and Ashborne	
Devon	Honiton	70
Dorset	Bridport, First District	65
	Lyme Regis	59
	Ditto, Crewkerne Branch	
Gloucester	Lightpill and Birdlip	62
	Stroud, Cainscross, and Minchinhampton, Lower Division	63
	Ditto Ditto Upper Division	
	Stroud and Chalford	64
Hants	Stockbridge and Basingstoke	61
Hereford	Leominster and Ledbury	54
Kent	Wadhurst and West Farleigh	68
Lancaster	Bolton and Nightingales	69
	Wigan and Preston, North of Yarrow	57
Lincoln	Spilsby	56
	Do., Burton's Corner District	
Notts	Nottingham and Loughborough	55
	Nottingham and Newhaven, First District	60
Oxford	Charlbury Roads	58
	Stokenchurch and Woodstock	52
	Ditto, Islip District	
York	Hedon and Hull	66
	Keighley and Kendal, Yorkshire District	67

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Description of offences.

(5.) In any information or complaint under this Act it shall be sufficient to describe the offence in the words of this Act, and no exception, exemption, proviso, excuse, or qualification accompanying the description of the offence in this Act need be specified or negatived.

Appeals in England or Ireland.

(6.) In England or Ireland any party may appeal from any order or conviction made by a court of summary jurisdiction on determining any complaint or information under this Act as follows:

(*a.*) The appeal shall be made to some court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than fifteen days and not more than four months after the decision appealed from:

(*b.*) The appellant shall within seven days after the cause of appeal has arisen give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof:

(*c.*) The appellant shall immediately after such notice enter into a recognizance before a justice of the peace in the sum of ten pounds, with two sufficient sureties in the sum of ten pounds, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay costs if awarded:

(*d.*) Where the appellant is in custody, the justice may, on the appellant entering into such recognizance as aforesaid, release him from custody:

(*e.*) The court of appeal may adjourn the appeal, and upon the hearing thereof may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to such court with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks fit:

(*f.*) If the matter be remitted to the court of summary jurisdiction such court shall thereupon rehear and decide the information or complaint in accordance with the opinion of the court of appeal.

Appeals in Scotland.

(7.) In Scotland any person may appeal from any order or conviction under this Act to the Court of Justiciary, or any circuit court thereof, under or in terms of the Act of the twentieth year of His Majesty King George the Second, chapter forty-three, or under any Act amending that Act or applying or incorporating its provisions with regard to appeals, or to the Court of Justiciary in

Date of Act.	Title of Act.
33 G. 3. c. clxii. - -	1. An Act for amending, improving, and keeping in repair the road from the north end of Marsh Lane in Ashford, in the county of Kent, to the end of the parish of Orlestone, near Stockbridge, in Romney Marsh in the said county.
53 G. 3. c. cxxxv. -	2. An Act for continuing and amending two Acts of His present Majesty for repairing the road from Shelton to Blakeley Lane Head, and from Bucknall to Weston Coyney, in the county of Stafford; and also for altering and repairing the road from Adderley Green to Lane End, in the same county.
54 G. 3. c. xxvii. - -	3. An Act for enlarging the term and powers of an Act of His present Majesty, for repairing the road from the north end of Marsh Lane in Ashford in the county of Kent to the end of the parish of Orlestone, near Stockbridge, in Romney Marsh, in the said county.
55 G. 3. c. xlviii. - -	4. An Act for repairing the road from Sutton in the county of Surrey, through the borough of Reigate, by Sidlow Mill, to Povey Cross, and several other roads therein mentioned, in the same county.
59 G. 3. c. xcvii. -	5. An Act for continuing the term and enlarging the powers of three Acts of His present Majesty, for repairing the road from the town of Tenterton to the town of Ashford, in the county of Kent; and for making a new branch of road therefrom, to communicate with the town of Biddenden, in the said county.
1 & 2 G. 4. c. xciii. -	6. An Act to continue the term and alter and amend the powers of two Acts for repairing the road from Elsdon High Cross, near the town of Elsdon, in the county of Northumberland, to the Red Swyre, upon the Mid-Border betwixt England and Scotland.
3 G. 4. c. xvi. - -	7. An Act for continuing the term and altering the powers of three Acts for repairing the roads leading from the Ryeway in the parish of Yarpole in the county of Hereford, to Presteigne, in the county of Radnor, and several other roads therein mentioned, in the said county of Radnor, and in the counties of Hereford and Salop.
3 G. 4. c. xl. - -	8. An Act for continuing the term and altering and enlarging the powers of an Act of the forty-second year of the reign of His late Majesty King George the Third for repairing and improving the road from the city of Canterbury to the town and port of Sandwich in the county of Kent.
3 G. 4. c. xlix. - -	9. An Act for more effectually repairing and improving the roads leading from Bishops Castle, and from Montgomery to the road at Westbury, and from Brockton to the road at Minsterley, and other roads therein mentioned, in the counties of Salop, Radnor, and Montgomery; and for amending, widening, and improving several other roads therein mentioned, in the said county of Salop; *so far as the same relates to the Bishop's Castle or First District of Roads.*
3 G. 4. c. l. - -	10. An Act for more effectually repairing the road from the north end of a lane called Rosemary Lane in the township of Broughton, to the town of Mold in the county of Flint, and for diverting a part of the said road, and for making a new branch of road to communicate with the said road.

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Edinburgh under or in terms of "The Summary Prosecutions Appeals (Scotland) Act, 1875."

Regulation of proceedings in county courts.

20. Proceedings under this Act by and before the judges of county courts may be regulated in Scotland by any acts of sederunt of the Court of Session, and in Ireland by any orders made by the Lord Chancellor, and until otherwise provided are regulated by such rules and orders and acts of sederunt as may be in force at the commencement of this Act.

The registrar and high bailiffs of the county courts shall be remunerated for the duties to be performed by them under this Act in such manner as the Treasury, with the consent of the Lord Chancellor, from time to time orders and directs.

Public auditors.

21. The Treasury may from time to time appoint public auditors for the purposes of this Act, and may determine from time to time the rates of remuneration to be paid by societies for the services of such auditors; but the employment of such auditors is not compulsory on any society.

Fees.

22. The Treasury may determine a scale of fees to be paid for matters to be transacted or for the inspection of documents under this Act.

All fees which may be received by any registrar under or by virtue of this Act shall be paid into the receipt of Her Majesty's Exchequer.

Regulations to be made for carrying out the Act.

23. The Treasury may from time to time make regulations respecting registry and procedure under this Act, and the forms to be used for such registry, and the duties and functions of the registrar, and the inspection of documents kept by the registrar under this Act, and generally for carrying this Act into effect.

All such regulations shall be laid before both Houses of Parliament within ten days after the approval thereof if Parliament is then sitting, or if not then sitting, then within ten days from the then next assembling of Parliament.

Until otherwise provided, the forms contained in the fourth schedule to this Act shall be used.

Evidence of documents.

24. Every instrument or document, copy or extract of an instrument or document, bearing the seal or stamp of the central office, shall be received in evidence without further proof; and every document purporting to be signed by the chief or any assistant registrar, or any inspector or public auditor under this Act, shall, in the absence of any evidence to the contrary, be received in evidence without proof of the signature.

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Schedule 6.

Date of Act.	Title of Act.
3 G. 4. c. lxii. - -	11. An Act for amending and keeping in repair the road from the turnpike gate at the bottom of White Street Hill, in the parish of Donhead Saint Andrew in the county of Wilts, through the towns of Shaftesbury, Milborne Port, and Sherborne, in the counties of Dorset and Somerset, to the half-way house in the parish of Nether, otherwise Lower Compton, in the said county of Dorset, and several other roads communicating therewith; *so far as the same relates to the Sherborne Division of the Roads.*
3 G. 4. c. lxiii. - -	12. An Act to enlarge the term and powers of several Acts for repairing and widening the road from the market house in Tetbury, to the turnpike road on Minchin Hampton Common, and several other roads therein mentioned, all in the county of Gloucester, so far as the same Acts relate to the second district of roads therein mentioned.
3 G. 4. c. xcix. - -	13. An Act for amending and repairing the roads from Minehead in the county of Somerset to Batham Bridge in the town of Bampton in the county of Devon; and for making a new branch of road to communicate therewith.
4 G. 4. c. xv. - -	14. An Act for repairing and improving the roads from the town of Stockbridge to the city of Winchester, and from the said city of Winchester to the top of Stephen's Castle Down, near the town of Bishop's Waltham in the county of Southampton, and from the said city of Winchester through Otterborne to Bar Gate in the town and county of the town of Southampton, and certain roads adjoining thereto; *so far as the same relates to the Second District of the Southampton Road.*
4 G. 4. c. lvii. - -	15. An Act for more effectually repairing the road from the city of Canterbury to the Dover turnpike road, in the parish of Barham in the county of Kent; and for lighting, watering, and watching part of the said road leading into the said city of Canterbury.
4 G. 4. c. lxxxi. - -	16. An Act for amending and keeping in repair the roads from Dover to Barham Downs, and from Dover to the town of Folkestone, and from thence through the parish of Folkestone to Sandgate in the county of Kent; *so far as the same relates to the Dover to Sandgate, or Second District of Road.*
5 G. 4. c. lxxxii. - -	17. An Act for making and maintaining a turnpike road from Roundhay Bridge to Collingham in the county of York.
5 G. 4. c. xc. - -	18. An Act for making and maintaining a turnpike road from the turnpike road leading from Bradford to Wakefield in the west riding of the county of York, near Holme Lane End in the parish of Birstal in the said riding, to the turnpike road leading from Birstal to Huddersfield in the said riding, at the township of Heckmondwike in the parish of Birstal aforesaid, with a branch road therefrom.
6 G. 4. c. xxv. - -	19. An Act for making and maintaining a turnpike road from the present turnpike road, between Maidstone and Wrotham in the county of Kent, to Strood in the said county.
6 G. 4. c. ci. - -	20. An Act for more effectually repairing the road from Greenhill Moor to Hernstone Lane Head road near Stony Middleton and other roads therein mentioned, in the county of Derby, and in the west riding of the county of York; and for making an extension and branch of road therefrom.
6 G. 4. c. cl. - -	21. An Act for repairing the road from the city of York to the top of Oswaldkirk Bank, in the county of York.

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Duties of the registrars.

25. Sub-sections six, seven, eight, and nine of the Friendly Societies Act, section ten, relating to the duties of the chief registrar and assistant registrars, shall, so far as the same are applicable to Industrial and Provident Societies, be deemed to be incorporated with this Act.

Application of Act to Channel Islands.

26. With respect to the Channel Islands this Act shall be varied as follows:

1. As respects the Island of Jersey, the following provisions shall have effect:

(*a.*) The term "county court" shall mean the court for the recovery of petty debts, in all cases in which the claim or demand shall not exceed the sum of ten pounds sterling, and in all other cases the inferior number of the royal court of the said island, composed of the bailiff and two jurats of the said court:

(*b.*) The term "court of summary jurisdiction" shall have in civil cases the same meaning as the term county court:

(*c.*) All misdemeanors under this Act shall be prosecuted, tried, and punished in the form and manner prescribed by the law and custom of the said island with respect to crimes and offences (crimes et délits):

(*d.*) All other offences and all penalties under this Act shall be prosecuted and recovered summarily before the magistrate of the court for the repression of minor offences, in all cases of his competency, at the suit or instance of the bailiff of the parish in which the offence or other unlawful act shall have been committed, and in all other cases before the bailiff and two jurats of the royal court, at the suit or instance of Her Majesty's Procurator General for the said island:

(*e.*) All penalties recovered under this Act shall be paid to the officers who by the law and practice of the said island are entitled to receive fines levied by order of the said courts respectively, and shall by such officers be accounted for and paid to Her Majesty's Receiver General in the said island on behalf of the Crown:

(*f.*) The powers conferred under this Act on two justices shall be exercised by the inferior number of the royal court of the said island:

(*g.*) Clause nineteen of this Act, and the term "Summary Jurisdiction Acts," shall not apply to the said island, but all proceedings under this Act in any of the courts of the said island shall be regulated according to the ordinary

Date of Act.	Title of Act.
6 G. 4. c. clix. - -	22. An Act for repairing several roads leading to and from the town of Crewkerne in the county of Somerset, and other roads in the same county.
7 G. 4. c. ix. - -	23. An Act for making and maintaining a turnpike road from Cannock, in the county of Stafford, to Penkridge, in the same county.
9 G. 4. c. xxiii. - -	24. An Act for more effectually repairing, widening, and otherwise improving the road from the south end of Milton Street, in the town of Nottingham, to the west end of Blind Lane, in the town of Mansfield, in the county of Nottingham.
9 G. 4. c. xlix. - -	25. An Act for more effectually repairing, widening, and improving the roads from Gosport, through Fareham and Wickham, to Bishop's Waltham, and from Wickham aforesaid to Chawton Pond in the parish of Chawton, all in the county of Southampton.
9 G. 4. c. lxxviii. - -	26. An Act for more effectually repairing and otherwise improving the road from Beverley to Kexby Bridge in the county of York.
9 G. 4. c. lxxxiv. - -	27. An Act for more effectually repairing the Dunster, Stowey, Watchet, and Crowcombe Districts of the Minehead Roads, in the counties of Somerset and Devon, and for making and repairing several other roads communicating with the same districts of roads, or some of them.
10 G. 4. c. lvii. - -	28. An Act for more effectually repairing and improving the roads leading from Tunbridge Wells, in the county of Kent, to Swiftsden, and from Frant to Possingworth Great Wood, in the county of Sussex, and a certain piece of road communicating with the said roads.
11 G. 4. c. lxiii. - -	29. An Act for more effectually repairing and improving the road from Brighton to Shoreham, for building a bridge over the River Adur at New Shoreham, and for making a road to Lancing and a branch road therefrom, all in the county of Sussex; *so far as the same relates to the roads mentioned therein.*
11 G. 4. c. xcvi. - -	30. An Act for making and maintaining a new turnpike road from the town of Kingston-upon-Hull in the county of the said town to Hedon in the county of York.
11 G. 4. c. ciii. - -	31. An Act for more effectually repairing and improving the roads from Saltfleet to the town of Horncastle, and other roads therein mentioned, all in the county of Lincoln.
11 G. 4. c. civ. - -	32. An Act for more effectually repairing the roads from Hand Cross, through Cowfold, to Corner House, and from thence to the turnpike road from Horsham to Steyning, and from Corner House aforesaid to the Maypole in the town of Henfield, and certain branches therefrom, all in the county of Sussex.
11 G. 4. c. cxxxi. - -	33. An Act for repairing and otherwise improving the road from Beverley, by Molescroft, to Kendell House, and the road from Molescroft to Bainton Balk, in the county of York.
1 W. 4. c. xxxix. - -	34. An Act for more effectually repairing the road from Burton-upon-Trent in the county of Stafford to Abbott's Bromley, otherwise Bagot's Bromley, in the said county.
1 W. 4. c. xlvii. - -	35. An Act for making a turnpike road from the north side of the Quarry House, in the township of Perry Barr, in the county of Stafford, to the brook which divides the parishes of Aston juxta Birmingham and Birmingham, in the county of Warwick.

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practice of such courts respectively, and all penalties shall in default of payment be enforced in the same manner as fines payable to the Crown in the said island:

(*h.*) The rules prescribed by the law of the said island with respect to appeals in civil and criminal cases shall be followed as to appeals from any orders, judgments, or convictions made in cases of summary jurisdiction under this Act:

(*i.*) The terms "the Companies Acts" and "the Companies Act, 1862," shall be taken to mean the law which from time to time is in force in the said island for the formation, regulation, and winding up of companies.

2. As respects the bailiwick of the Island of Guernsey:

(*a.*) The court of primary instance within the bailiwick shall have all such powers and authorities as are by this Act conferred either on justices of the peace or on judges of county courts in England: Provided that a sentence may be appealed from if the case admits of an appeal, under the Orders in Council now in force within the bailiwick, but that the decision of the royal court when sitting in a body as a court of appeal shall be final:

(*b.*) When any sum of money becomes payable on the death of a member, such sum of money shall, in default of any direction or nomination such as is contemplated by this Act, be paid to the deceased member's legal representative, according to the law of Guernsey:

(*c.*) All industrial and provident societies within the bailiwick shall be authorised to invest any part of their funds in the states bonds either of Guernsey or of Alderney:

(*d.*) The term "the Companies Act" shall mean the law for the time being in force in the said bailiwick for the regulation and winding up of companies:

(*e.*) All offences and penalties under this Act shall be prosecuted and recovered summarily before the court of primary jurisdiction at the suit or instance of the law officers of the Crown or of a constable of a parish:

(*f.*) All penalties recovered under this Act shall be paid to the Receiver General, to be by him carried to the account of the Crown revenue.

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Schedule 6.

Date of Act.	Title of Act.
1 W. 4. c. lxi. - -	36. An Act for maintaining and improving the road from Titchfield to Cosham in the county of Southampton.
1 W. 4. c. lxx. - -	37. An Act for more effectually repairing and improving the roads from Tunbridge Wells in the county of Kent to the cross ways at or near Maresfield Street, and from Florence Farm to Forest Row in the county of Sussex.
1 & 2 W. 4. c. xxiv. -	38. An Act for more effectually maintaining and improving the road from Soho Hill in the parish of Handsworth to the Walsall Road on the northern side of Hamstead Bridge, and another road from Brown's Green to the Friary in the county of Stafford.
1 & 2 W. 4. c. xxv. -	39. An Act for repairing and improving certain roads in the counties of Stafford and Salop, leading to and from the town of Wolverhampton in the county of Stafford; *so far as the same relates to the Old District of Roads.*
1 & 2 W. 4. c. xxxvii. -	40. An Act for maintaining the road from Wakefield to Austerlands in the west riding of the county of York.
2 W. 4. c. xxxii. -	41. An Act for more effectually repairing and improving the road leading from the Alfreton turnpike road, near Mansfield, through Tibshelf and Morton, to the Nottingham turnpike road, near Tansley, and other roads connected therewith, in the counties of Nottingham and Derby.
2 W. 4. c. lx. - -	42. An Act for more effectually repairing and improving the road from Conway to Pwllheli, and other roads therein mentioned, in the counties of Carnarvon and Denbigh.
2 W. 4. c. lxxiv. - -	43. An Act for more effectually repairing and improving certain roads leading to and through the town of Goudhurst in the county of Kent.
2 W. 4. c. lxxxvi. - -	44. An Act for making and maintaining a turnpike road from the town of Doncaster to the town and port of Selby in the west riding of the county of York.
4 W. 4. c. xi. - -	45. An Act for making a turnpike road from Minsterley in the county of Salop to the turnpike road leading from Bishop's Castle, in the said county of Salop, to Churchstoke in the county of Montgomery.
4 W. 4. c. xxviii. - -	46. An Act for repairing and improving the Second District of the Road from Coleshill, through the city of Lichfield and the town of Stone, to the end of the county of Stafford in the road leading towards Chester, and making a new branch thereto, and also to annex to and consolidate therewith the turnpike road from Rugeley through Armitage to Alrewas, in the county of Stafford.
5 & 6 W. 4. c. ciii. -	47. An Act for repairing and otherwise improving the roads from Oxford, over Botley Causeway, to Fifield in the county of Berks, and Witney in the county of Oxford.
4 & 5 Vict. c. cv. - -	48. An Act to amend an Act passed in the eleventh year of the reign of King George the Fourth for repairing and improving the road from Brighton to Shoreham and Lancing in the county of Sussex, and for other purposes connected therewith; *so far as the same relates to the roads mentioned therein.*
5 & 6 Vict. c. xcv. -	49. An Act for repairing the several roads leading to and from the Market House in Stourbridge, in the county of Worcester, and several other roads connected with the said roads in the counties of Worcester, Stafford, and Salop.

SCHEDULES.

SCHEDULE I.

Acts and Enactments repealed.

Date of Act.	Title of Act.	Extent of Repeal.
25 & 26 Vict. c. 87.	An Act to consolidate and amend the Laws relating to Industrial and Provident Societies.	The whole.
30 & 31 Vict. c. 117.	An Act to amend the Industrial and Provident Societies Acts.	The whole.
34 & 35 Vict. c. 80.	An Act to explain and amend the Law relating to Industrial and Provident Societies.	The whole.

SCHEDULE II.

Matters to be provided for by the Rules of Societies registered under this Act.

1. Object, name, and place of office of the society.

2. Terms of admission of the members, including any society or company investing funds in the society under the provisions of sub-section (4) or sub-section (5) of section 12.

3. Mode of holding meetings and right of voting, and of making, altering, or rescinding rules.

4. The appointment and removal of a committee of management, by whatever name, of managers or other officers, and their respective powers and remuneration.

5. Determination of the amount of interest, not exceeding two hundred pounds sterling, in the shares of the society which any member other than a registered society may hold.

6. Determination whether the society may contract loans or receive money on deposit subject to the provisions of sub-section (2) of section 10 of this Act, from members or others; and, if so, under what conditions, on what security, and to what limits of amount.

7. Determination whether the shares or any number thereof shall be transferable; and if it be determined that the shares or any number thereof shall be

Date of Act.	Title of Act.
6 Vict. c. xxvi. - -	50. An Act for repairing and improving certain roads in the neighbourhood of Trentham and Stone, in the county of Stafford, and for making and maintaining a new road from Trentham Inn to the Newcastle-under-Lyme and Market Drayton turnpike road in the same county, and another new piece of road in the parish of Trentham aforesaid; *so far as the same relates to the Stone, Lane End, and Trentham, or First District of Roads.*
7 & 8 Vict. c. lxxii. -	51. An Act for repairing, maintaining, and improving the road from Flint Lane to Holmfrith, and thence to the Huddersfield and Woodhead turnpike road, and for making and maintaining a new line of road from the said road at a place called Bents to or near Dunford Bridge, all in the west riding of the county of York.
8 & 9 Vict. c. xxx. -	52. An Act for repairing certain roads between Stokenchurch and the borough of New Woodstock in the county of Oxford, and several other roads communicating therewith.
14 & 15 Vict. c. lx. -	53. An Act for managing and repairing the roads leading from Uttoxeter to Stoke, near Stone, and from Millwich to Sandon, in the county of Stafford.
18 Vict. c. lxi. - -	54. An Act to repeal the Act relating to the Leominster and Ledbury Turnpike Trust, and to make other provisions in lieu thereof.
18 Vict. c. lxxi. - -	55. An Act to repeal the Act relating to the Nottingham and Loughborough turnpike road, and to make other provisions in lieu thereof.
18 & 19 Vict. c. lxxxii. -	56. An Act to renew the term and continue the powers of an Act passed in the eighth year of the reign of His Majesty King George the Fourth, intituled An Act for repairing the road from Alford to Boston, and from thence to Cowbridge in the township of Frithville, in the county of Lincoln.
18 & 19 Vict. c. lxxxiii. -	57. An Act to repeal so much of the Act relating to the Wigan and Preston roads as relates to the district of the said roads north of Yarrow, and to make other provisions in lieu thereof.
18 & 19 Vict. c. lxxxv. -	58. An Act to renew the term and continue the powers of an Act passed in the first year of the reign of His Majesty King George the Fourth, intituled An Act to continue the term and alter and enlarge the powers of an Act of the fortieth year of His late Majesty's reign, for repairing the road leading from the turnpike road in Witney to the road on Swerford Heath, and the road leading from the road from Woodstock to Birmingham through Charlbury to the road from Chipping Norton to Burford, all in the county of Oxford.
18 & 19 Vict. c. lxxxvii. -	59. An Act for repairing, widening, and maintaining several roads in the counties of Dorset and Devon leading to and from the borough of Lyme Regis, and from the turnpike road on Raymond's Hill to the turnpike road at the Three Ashes in the parish of Crewkerne in the county of Somerset.
18 & 19 Vict. c. xcii. -	60. An Act for continuing the term of the Nottingham and Newhaven Turnpike Road and Districts Act, and for other purposes.
18 & 19 Vict. c. civ. -	61. An Act to repeal certain Acts relating to the Basingstoke, Stockbridge, and Lobcomb Corner turnpike roads, and to make other provisions in lieu thereof.
18 & 19 Vict. c. cvi. -	62. An Act to repeal the Acts relating to the road from Lightpill to Birdlip, and make other provisions in lieu thereof.

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Schedule 6.

Date of Act.	Title of Act.
18 & 19 Vict. c. cviii. -	63. An Act to repeal the Act for making and maintaining a turnpike road from Cainscross, through Stroud over Rodborough and Minchinhampton Commons to the town of Minchinhampton, with some branches therefrom, all in the county of Gloucester, and to make other provisions in lieu thereof.
18 & 19 Vict. c. cix. -	64. An Act to repeal an Act for making and maintaining certain roads from the town of Stroud and several other places therein mentioned, all in the county of Gloucester, and to make other provisions in lieu thereof.
18 & 19 Vict. c. cxi. -	65. An Act for continuing the term and amending and extending the provisions of the Act relating to the first district of the Bridport turnpike roads in the county of Dorset.
18 & 19 Vict. c. cxxxvi. -	66. An Act to repeal the Acts passed for repairing the road from Hedon through Preston and Bilton to Hull, and other roads in the county of York, and to make other provisions in lieu thereof, *so far as the same relates to the Hedon and Hull, or "First District" of Roads.*
18 & 19 Vict. c. clv. -	67. An Act for maintaining the Yorkshire district of the road from Keighley in the west riding of the county of York to Kirkby-in-Kendal in the county of Westmoreland.
18 & 19 Vict. c. clvi. -	68. An Act to renew the term and continue the powers of an Act passed in the ninth year of the reign of His Majesty King George the Fourth, intituled An Act for more effectually repairing and improving the road from Wadhurst to the turnpike road on Lamberhurst Down, both in the county of Sussex, and from the turnpike road on Pullen's Hill to West Farleigh Street, both in the county of Kent.
18 & 19 Vict. c. clxi. -	69. An Act to repeal the Act relating to the Bolton and Nightingale's turnpike road, and to make other provisions in lieu thereof.
18 & 19 Vict. c. clxiv. -	70. An Act to repeal an Act for making, widening, repairing, and maintaining certain roads leading to and from the town of Honiton in the county of Devon, and to make other provisions in lieu thereof.
18 & 19 Vict. c. clxviii. -	71. An Act for more effectually repairing the Cavendish Bridge and Brassington Road, and for making a branch line of road in connexion with the same, all in the county of Derby.
28 Vict. c. x. - -	72. An Act to repeal an Act for making, repairing, and improving certain roads leading to and from Helston in the county of Cornwall, and to make other provisions in lieu thereof, and for other purposes.

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CHAPTER 40.

An Act for enabling legally qualified Medical Practitioners to hold certain public Medical Appointments, and for amending the Medical Act. [11th August 1876.]

A.D. 1876.

WHEREAS under the provisions of the statute of the thirty-sixth year of the reign of King George the Third, chapter nine, of the Parliament of Ireland, no person is capable of being elected surgeon to a county infirmary or hospital in Ireland who shall not previously have obtained letters testimonial of his qualification under the seal of the Royal College of Surgeons in Ireland;

And whereas it is desirable that all legally qualified medical practitioners, with qualifications in medicine and surgery registered under "The Medical Act," should be capable of being elected surgeons to county infirmaries or hospitals in Ireland, anything in the said Act or any other Acts to the contrary notwithstanding:

21 & 22 Vict., c. 90.

And whereas it is desirable that persons who have obtained the degree of Bachelor in Surgery of any university in Great Britain and Ireland, legally authorised to confer such degree, should be empowered to register the same as a qualification under "The Medical Act:"

And whereas the said objects cannot be effected without the authority of Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as The Medical Practitioners Act, 1876.

Short title.

2. Notwithstanding anything contained in the said Act of the thirty-sixth year of the reign of King George the Third, chapter nine (Ireland), or any other Act of Parliament, all legally qualified medical practitioners, with qualifications in medicine and surgery

Legally qualified medical practitioners to be capable of election as surgeons

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transferable, provision for the form of transfer and registration of the shares, and for the consent of the committee thereto; and if it be determined that the shares or any of them shall be withdrawable, provision for paying the members the balance due thereon on withdrawing from the society.

8. Provision for the audit of accounts.

9. Determination whether and how members may withdraw from the society, and provision for the claims of executors, administrators, or trustees of the property of bankrupt members, and for the payment of nominees in the case herein mentioned.

10. Mode of application of profits.

11. Provisions for the custody, use, and device of the seal of the society, which shall in all cases bear the registered name of the society.

12. Determination whether, and by what authority, and in what manner, any part of the capital may be invested.

SCHEDULE III.

FORM OF STATEMENT TO BE MADE OUT BY A SOCIETY CARRYING ON THE BUSINESS OF BANKING.

1. Capital of the society:—
   (*a.*) Amount of each share.
   (*b.*) Number of shares issued.
   (*c.*) Amount paid up on shares.

2. Liabilities of the society on the first day of January (or July) last previous:—
   (*a.*) On judgments.
   (*b.*) On specialty.
   (*c.*) On notes or bills.
   (*d.*) On simple contract.
   (*e.*) On estimated liabilities.

3. Assets of the society on the same date:—
   (*a.*) Government securities (stating them).
   (*b.*) Bills of exchange and promissory notes.
   (*c.*) Cash at the bankers.
   (*d.*) Other securities.

FORM OF BOND.

(1.)—In England or Ireland.

KNOW all men by these presents, that we, *A.B.* of , one of the officers of the Society, Limited, established at , in the county of , and *C.D.* of (as surety on behalf of the said *A.B.*) are jointly and severally held and firmly bound to the said society in the sum of to be paid to the said society, or their certain attorney, for which payment well and truly to be

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to county infirmaries, &c. in Ireland.

registered under "The Medical Act," shall be capable of being elected surgeons to county infirmaries or hospitals in Ireland, and when so elected shall for all purposes be deemed to be duly appointed, and be entitled to all the emoluments and advantages, and liable to discharge all the duties of the said offices.

Qualifications of Bachelor in Surgery may be registered under the Medical Act.

3. All persons who have obtained from any university of the United Kingdom legally authorised to confer the same the degree of Bachelor in Surgery shall be permitted and are hereby empowered to register the same as a qualification under "The Medical Act," anything in the said Act to the contrary notwithstanding.

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made we jointly and severally bind ourselves, and each of us by himself, our and each of our heirs, executors, and administrators, firmly by these presents. Sealed with our seals. Dated the day of in the year of our Lord .

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Whereas the above-bounden *A.B.* has been duly appointed to the office of of the Society, established as aforesaid, and he, together with the above-bounden *C.D.* as his surety, have entered into the above-written bond, subject to the condition herein-after contained: Now therefore the condition of the above-written bond is such, that if the said *A.B.* do render a just and true account of all moneys received and paid by him on account of the said society, at such times as the rules thereof appoint, and do pay over all the moneys remaining in his hands, and assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society, together with the proper and legal receipts or vouchers for such payments, then the above-written bond shall be void, otherwise shall remain in full force.

Sealed and delivered in the presence of [*two witnesses.*]

(2.)—In Scotland.

I, *A.B.* of hereby bind and oblige myself, to the extent of £ at most, as caution and security for *C.D.*, a person employed by the Society, that he, the said *C.D.*, shall on demand faithfully and truly account for all moneys received and paid to him for behoof of the said society, and also assign and transfer or deliver all property (including books and papers) belonging to the said society in his hands or custody, and that to such person or persons as the said society or the committee thereof appoint, according to the rules of the said society.

Dated at this day of

Signature of Cautioner.

E.F. of witness.
G.H. of witness.

The above bond shall not require a testing clause or subscription clause, and may be wholly written or wholly printed, or partly written and partly printed.

Form of Receipt to be endorsed on Mortgage or Further Charge.

The Society, Limited, hereby acknowledge to have received all moneys intended to be secured by the within [*or* above] written deed.

Signed [*Two members of the committee.*]

Countersigned [*Signature of Secretary*]
Secretary.

SCHEDULE IV.

ACKNOWLEDGMENT OF REGISTRY OF SOCIETY.

The Society, Limited, is registered under the Industrial and Provident Societies Act, 1876, this day of .

[*Seal or stamp of central office,* or *signature of Assistant Registrar for Scotland or Ireland.*]

ACKNOWLEDGMENT OF REGISTRY OF AMENDMENT OF RULES.

The foregoing amendment of the rules of the Society, Limited, is registered under the Industrial and Provident Societies Act, 1876, this day of .

[*Seal or stamp of central office,* or *signature of Assistant Registrar for Scotland or Ireland.*]

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CHAPTER 41.

An Act to remove Restrictions on the granting of Qualifications for Registration under the Medical Act on the ground of Sex. [11th August 1876.]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in the present Parliament assembled, and by the authority of the same:

Power to grant qualification extended.

1. The powers of every body entitled under the Medical Act to grant qualifications for registration shall extend to the granting of any qualification for registration granted by such body to all persons without distinction of sex: Provided always, that nothing herein contained shall render compulsory the exercise of such powers, and that no person who but for this Act would not have been entitled to be registered shall, by reason of such registration, be entitled to take any part in the government, management, or proceedings of the universities or corporations mentioned in the said Medical Act.

Act incorporated with Medical Act as amended by 22 Vict. c. 21.

2. This Act shall be taken to be incorporated with the Medical Act, as amended by the Act of the twenty-second year of Her Majesty, chapter twenty-one, and the Medical Act as so amended and any other Act amending the Medical Act shall be construed and have effect accordingly.

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CHAPTER 46.

An Act for more effectually punishing Offences against the Laws relating to the Slave Trade. [11th August 1876.] A.D. 1876.

WHEREAS under an Act passed in the Session holden in the thirty-second and thirty-third years of the reign of Her present Majesty, the Governor General of India in Council is empowered to make laws for Native Indian subjects of Her Majesty without and beyond British India: 32 & 33 Vict. c. 98.

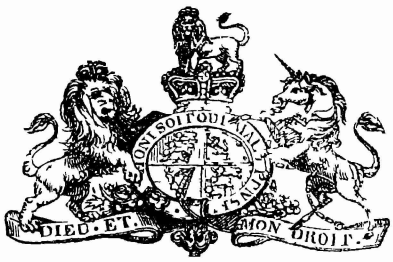
And whereas under an Act passed in the Session holden in the twenty-eighth and twenty-ninth years of the reign of Her present Majesty, the Governor General of India in Council is empowered to make laws for all British subjects of Her Majesty within the dominions of Princes and States in India in alliance with Her Majesty whether in the service of the Government of India or otherwise: 28 & 29 Vict. c. 17.

And whereas the several Princes and States in India in alliance with Her Majesty have no connexions, engagements, or communications with Foreign Powers, and the subjects of such Princes and States are, when residing or being in the places herein-after referred to, entitled to the protection of the British Government, and receive such protection equally with the subjects of Her Majesty:

And whereas it is expedient to make provision for more effectually punishing offences against the laws relating to the slave trade by British subjects and other persons protected by the British Government in such places:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. If any person, being a subject of Her Majesty or of any Prince or State in India in alliance with Her Majesty, shall, upon the High Certain offenders on High Seas.



CHAPTER 42.

An Act to amend the Law respecting certain Returns from Convict Prisons. [11th August 1876.]

A.D. 1876.

WHEREAS by section fourteen of the Act of the fifth year of the reign of King George the Fourth, chapter eighty-four, intituled "An Act for the Transportation of Offenders from Great "Britain," it is enacted as follows:

"The said superintendent shall from time to time make returns "specifying the name of every person in custody in each of such "places of confinement, the offence of which he shall have been "guilty, the court before which he shall have been convicted, and "the sentence of such court, together with his age and bodily state, "and his behaviour whilst in custody; and also the names of such "offenders as shall have died whilst in such custody, or shall have "escaped, or have been lawfully discharged from the same, which "returns shall be made on the first day of January, April, July, and "October in every year to one of His Majesty's Principal Secretaries "of State, on the oath of the overseer of each place of confine-"ment, such oath to be made before a justice of the peace:"

And it is expedient to make further provisions respecting such returns:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the "Convict Prisons Returns Act, 1876." Short title.

2. There shall be from time to time sent to one of Her Majesty's Principal Secretaries of State such returns respecting the prisoners Returns from convict prisons to be sent.

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punished as though offence committed in India.

Seas or in any part of Asia or Africa which Her Majesty may from time to time think fit to specify by any Order in Council in this behalf, commit any of the offences defined in sections 367, 370, and 371 (in the schedule to this Act respectively recited) of Act 45 of 1860, passed by the Governor General of India in Council and called "The Indian Penal Code," or abet within the meaning of the fifth chapter of the said Penal Code the commission of any such offence, such person shall be dealt with, in respect of such offence or abatement, as if the same had been committed in any place within British India in which he may be or may be found.

Sect. 1 may be made to apply to future amendments of this Act.

2. If the Governor General of India in Council shall, at a meeting for making laws and regulations, amend the provisions of the said sections 367, 370, and 371 of the said Penal Code, or any of them, or the said fifth chapter thereof so far as relates to the abatement of any of the offences forbidden by such sections, or make any further provision for preventing or suppressing the making, buying, or selling of slaves or any of the offences comprised in the said three sections, the Secretary of State for India shall, unless Her Majesty has disallowed such amendment or further provision, lay a copy of the amending Act before each House of Parliament, and after the same shall have lain on the table of both Houses of Parliament for the space of forty days, it shall be lawful for Her Majesty, unless either House of Parliament shall present an address to Her Majesty to the contrary, to direct by Order in Council that the provisions of the first section of this Act shall apply to the law so amended or enlarged, and the same shall be applicable accordingly.

Powers of High Court for purpose of obtaining evidence.

3. For the purpose of obtaining evidence of the commission of the offences made punishable by this Act or any Act of Parliament relating to slavery or the slave trade, every High Court in India shall have, as respects the persons in the first section of this Act referred to, and as respects any British colony, settlement, plantation, or territory, wherein any witness may be, the same powers as are conferred on the Court of Queen's Bench by the fourth section of an Act made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, chapter ninety-eight, with respect to such British colonies, settlements, plantations, and territories as are therein referred to.

And every High Court may, if it thinks fit, issue such commission as is mentioned in section 330 of Act 10 of 1872, passed by the Governor General of India in Council, and called "The Code of "Criminal Procedure," to any consular officer of Her Majesty in

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in every place of confinement to which the recited Act applies as such Secretary of State may from time to time direct.

Repeal of s. 14 of recited Act.

3. Section fourteen of the above-recited Act is hereby repealed.

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the parts of Asia or Africa specified in any Order of Her Majesty in Council under section 1 of this Act, or to any political officer or agent of the Governor General of India in Council or of any Indian Government in the said parts or in the dominions of any Prince or State in India in alliance with Her Majesty, or to any magistrate in Her Majesty's Indian dominions.

And the depositions taken by virtue of the said powers or under such commission shall be deemed by every court of original or appellate jurisdiction in India in any trial or proceeding under this Act or any Act of Parliament relating to slavery or the slave trade to be as good and competent evidence as if the witnesses deposing had been present and examined vivâ voce and had made oath or affirmation as required by law.

Subjects of certain Indian Princes made amenable to certain Orders in Council.

4. And whereas by certain Orders of Her Majesty in Council made by virtue of an Act made and passed in the session of Parliament holden in the sixth and seventh years of Her Majesty's reign, chapter ninety-four, which Orders are dated respectively the ninth August one thousand eight hundred and sixty-six and the fourth November one thousand eight hundred and sixty-seven, it is ordered that the provisions of such Orders relating to British subjects shall extend and apply to all subjects of Her Majesty, whether by birth or by naturalisation, and also to all persons enjoying Her Majesty's protection in the several dominions mentioned in such Orders respectively:

It is hereby declared and enacted that for the purposes of the said Orders in Council, and of any Orders in Council which Her Majesty may hereafter think fit to make by virtue of the said Act of the sixth and seventh years of Her Majesty's reign, chapter ninety-four, all subjects of the several Princes and States in India in alliance with Her Majesty, residing and being in the several dominions comprised in such Orders respectively, are and shall be deemed to be persons enjoying Her Majesty's protection therein.

Saving powers of Governor General.

5. Nothing in this Act shall be deemed to restrict the legislative power which the Governor General of India in Council possesses at meetings for the purpose of making laws and regulations.

Not to affect Orders made under 6 & 7 Vict. c. 94.

6. Save as aforesaid, nothing in this Act shall be deemed to affect any Order made or to be made by Her Majesty in Council by virtue of the said Act of the sixth and seventh years of Her Majesty, chapter ninety-four.

A.D. 1876.

SCHEDULE.

S. 367 of the Indian Penal Code.—Whoever kidnaps or abducts any person, in order that such person may be subjected or may be so disposed of as to be put in danger of being subjected to grievous hurt, or slavery, or to the unnatural lust of any person, or knowing it to be likely that such person will be so subjected or disposed of, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to a fine.

S. 370.—Whoever imports, exports, removes, buys, sells, or disposes of, any person as a slave, or accepts, receives, or detains against his will any person as a slave, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to a fine.

S. 371.—Whoever habitually imports, exports, removes, buys, sells, traffics, or deals in slaves, shall be punished with transportation for life, or with imprisonment of either description for a term not exceeding ten years, and shall also be liable to a fine.

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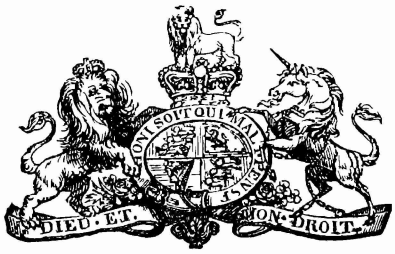

CHAPTER 47.

An Act to make provision for the Government of the Islands of Saint Vincent, Tobago, and Grenada and their Dependencies. [11th August 1876.] A.D. 1876.

PART I.

GRENADA.

WHEREAS on the 9th of February, 1876, the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies passed an Address in the following terms; that is to say,

"To Her most Gracious Majesty the Queen.

"The humble Address of the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies showeth as follows:

"We, the President and Members of the Legislative Assembly of the Island of Grenada and its Dependencies, desire to approach Your Majesty with feelings of the most unbounded loyalty and respect, knowing as we do that Your Majesty has the welfare and well-being of all Your subjects at heart, and satisfied that it is expedient that the entire control and government of this island and its dependencies should be vested in Your Majesty, we have caused an Act repealing the present constitution of the Colony to be passed: And should Your Majesty be graciously pleased to assent thereto, we leave it entirely to Your Majesty's wisdom and discretion to erect such form of Government as Your Majesty shall deem most desirable for the welfare of the colony. And we remain, as in duty bound, Your Majesty's most dutiful and most devoted loving subjects and servants.

"(Signed) HY. B. BECKWITH,
"*President of the Assembly.*

"*House of Legislative Assembly,*
Grenada, 9th February 1876.

"(Signed) JOHN WELLS,
"*Clerk of the Assembly.*"

CHAPTER 43.

An Act to make Provision respecting the Superannuation Allowances or Pensions of Persons employed in the Service of Her Majesty in the Government of the Isle of Man. A.D. 1876.

[11th August 1876.]

WHEREAS it is expedient to make provision respecting the superannuation allowances or pensions of persons employed in permanent offices in the service of Her Majesty in the government of the Isle of Man, in cases where they have served Her Majesty in some other civil capacity:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Reckoning of service in office in the government of the Isle of Man for purposes of superannuation allowance or pension.

1. Where a person employed in a permanent office in the service of Her Majesty in the government of the Isle of Man, qualifying him to receive a superannuation allowance out of the duties of customs collected in the said Isle, has been employed also in some other civil capacity, service in the said office shall, for the purposes of the Superannuation Act, 1859, and the Colonial Governors Pensions Acts, 1865 and 1872, be deemed to be service in the permanent Civil Service of the State, and the said office shall be deemed to be an office in a public department, and the said person shall be qualified to receive a superannuation allowance or pension accordingly:

Provided that the Commissioners of Her Majesty's Treasury shall determine according to the circumstances of the case and the principles of the said Acts, the portion of every such superannuation allowance or pension which is payable on account of service in the said office in the government of the Isle of Man, and that portion shall be deducted from the superannuation allowance or pension payable out of moneys provided by Parliament,

A.D. 1876.

And whereas doubts have arisen as to the validity and effect of the said Act in the said Address referred to, and it is expedient to remove such doubts, and to give effect to the said Address under the authority of Parliament, by enabling Her Majesty to erect such form of Government in the Island of Grenada and its Dependencies as Her Majesty shall deem most desirable for the welfare of the colony:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

The Queen empowered to create a constitution for the Island of Grenada and its Dependencies.

1. It shall be lawful for Her Majesty by Order in Council to create and constitute a Government and Legislature for the Island of Grenada and its Dependencies in such form and with such powers as to Her Majesty may seem fit, and from time to time in like manner to alter or amend the constitution of such Government and Legislature; and it shall be lawful for Her Majesty in like manner to amend or repeal any Act of the Legislature of the said Island of Grenada and its Dependencies now in force, in so far as the same may be repugnant to the terms of any Order in Council passed in pursuance of this Act.

PART II.

SAINT VINCENT AND TOBAGO.

Whereas Acts have been passed by the Legislatures of the Islands of Saint Vincent and Tobago respectively, during sessions held in the present year of Her Majesty's reign, intituled, in the case of Saint Vincent, "An Act to alter and amend the Political Constitution of this Island and its Dependencies," and in the case of Tobago, "An Act to alter and amend the Political Constitution of this Island:" And whereas doubts have arisen as to whether it was competent for the Legislatures of the said islands to pass the said Acts: And whereas it is expedient to remove such doubts, and that the said Acts should be brought into operation under the authority of Parliament:

And whereas the said Acts are set out in the schedule hereunto annexed:

Acts passed by Legislatures of Saint Vincent and

2. Be it therefore enacted that the said Acts set forth in the schedule to this Act shall be and the same are hereby declared to be valid and of full force, and shall come into operation in the Island of Saint Vincent and its Dependencies and in the Island

A.D. 1876.

and shall be paid as part of the necessary expenses attending the government of the Isle of Man out of the duties of customs collected in that island.

Meaning of "civil capacity.

"Civil capacity" in this section means the permanent Civil Service of the State, and also the administration of the government of any colony within the meaning of the Colonial Governors Pensions Act, 1865.

Short title.

2. This Act may be cited as the Isle of Man (Officers) Act, 1876.

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of Tobago respectively so soon as they shall have been confirmed by Her Majesty in Council, and such confirmation shall have been duly published within the island to which the same relates.

Tobago respectively to be valid.

3. In construing the said Act of the Island of Saint Vincent the term "Island" in the title thereof shall mean "the Island of Saint Vincent and its Dependencies," and the term "Government" shall mean the Government of the Island of Saint Vincent and its Dependencies, and in construing the said Act of the Island of Tobago the term "Island" shall mean the Island of Tobago.

Meaning of terms "Government" and "Island."

4. This Act may be cited for all purposes as "The Saint Vincent, Tobago, and Grenada Constitution Act, 1876."

Short title.

SCHEDULE.

SAINT VINCENT.

"AN ACT TO ALTER AND AMEND THE POLITICAL CONSTITUTION OF THIS ISLAND AND ITS DEPENDENCIES."

Whereas it is necessary to alter the present political constitution of this Government, be it enacted by the Governor and Legislative Assembly of the said Government as follows:

1. This Act may be cited as "The Constitution Act, 1876."

Short title.

2. The Acts whose titles are set forth in the schedule hereto annexed are hereby repealed.

Repeal of Acts.

3. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely.

Legislative Assembly abolished.

4. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as Her Majesty in Council may determine, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof.

Her Majesty in Council may create new Legislature and amend same.

5. Where any public trust, office, or responsibility is vested by any law in the President of the Legislative Assembly (whose functions are abrogated by this Act), such public trust, office, or responsibility shall, after the passing of this Act, devolve upon the Governor.

Public trust, &c. now vested in President of Assembly to vest in Governor.

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Colonial Secretary to have custody of records of Legislative Assembly.

6. The records and documents of and belonging to the Legislative Assembly shall remain in the custody of the Colonial Secretary and his successors, who shall be responsible for the proper preservation of the same.

Act not to operate until confirmed by Her Majesty.

7. This Act shall have no force or operation until the same shall have been confirmed by Her Majesty, and such confirmation duly published in this Government.

SCHEDULE.

No. of Act.	Title or Short Title of Act.	Date when passed.
269	The Election Act, 1867 - - -	17th October 1867.
278	The Constitution Act, 1868 - - -	2nd July 1868.
322	The Amended Constitution Act, 1869 - -	23rd November 1869.
342	An Act to provide for the Future Performance of the Duties of the Clerk of the Legislative Assembly.	26th January 1871.

TOBAGO.

"AN ACT TO ALTER AND AMEND THE POLITICAL CONSTITUTION OF THIS ISLAND."

Whereas it is necessary to alter the present political constitution of the Government of this Island:

Be it enacted by the Governor and Legislative Assembly of the Island of Tobago as follows:

1. From and after the coming into operation of this Act, the present Legislative Assembly, and all and every the functions and privileges thereof, shall cease and determine absolutely.

2. It shall be lawful for Her Majesty the Queen in Council to create and constitute a Legislature for this Government in such form and with such powers as to Her Majesty in Council may best seem fit, and from time to time to alter or amend such Legislature, or any of the forms or powers thereof.

3. This Act may be cited as "The Constitution Act, 1876."

4. The Acts and parts of Acts whose titles are set forth in the schedule hereto annexed are hereby repealed.

SCHEDULE.

Extent of Repeal.	Title of Act.
The whole, with the exception of sections two and three.	23 Vict. c. VII. The Act entitled "An Act to "extend the Franchise and otherwise provide "for the better Representation of the People."
The whole - - -	27 Vict. c. 2. "An Act to amend the Franchise "Act, 1860, 23 Vict. c. 7."
The whole - - -	35 Vict. c. 1. "An Act to extend the provisions of "the Franchise Act, 1860."
The whole - - - -	38 Vict. c. 9. "An Act to amend and simplify the "Legislature of the Island of Tobago."

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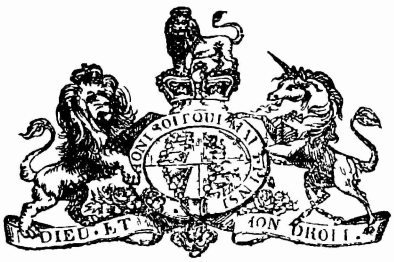

CHAPTER 44.

An Act to amend the Law relating to Legal Practitioners in Ireland. [11th August 1876.]

A.D. 1876.

WHEREAS it is expedient to amend the law relating to legal practitioners in Ireland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Legal Practitioners (Ireland) Act, 1876." Short title.

2. The Act specified in the first column of the schedule annexed hereto is hereby repealed to the extent specified in the third column of the said schedule, except as to anything heretofore duly done thereunder, and except so far as may be necessary for the purpose of supporting and continuing any proceedings taken before the passing of this Act. Amendment of 12 & 13 Vict. c. 53. s. 2.

It shall be lawful for any judge of any of the superior courts of law and equity to authorise an attorney or solicitor to commence an action or suit for the recovery of his fees, charges, or disbursements against the party chargeable therewith, and also to refer his bill of fees, charges, and disbursements, and the demand of such attorney and solicitor thereupon, to be taxed and settled by the proper officer of the court in which such reference shall be made, although one month shall not have expired from the delivery of the bill of fees, charges, or disbursements, on proof to the satisfaction of the said judge that there is probable cause for believing that the party chargeable therewith is about to quit Ireland, or to become a bankrupt or a liquidating or compounding debtor, or to take any other steps or do any other act which, in the opinion of the judge, would tend to defeat or delay such attorney or solicitor in obtaining payment.

A.D. 1876.

Power to courts of justice to charge property recovered with payment of costs.

3. In every case in which an attorney or solicitor shall be employed to prosecute or defend any suit, matter, or proceeding in any court of justice, it shall be lawful for the court or judge before whom any such suit, matter, or proceeding has been heard or shall be depending to declare such attorney or solicitor entitled to a charge upon the property recovered or preserved, and upon such declaration being made such attorney or solicitor shall have a charge upon and against and a right to payment out of the property, of whatsoever nature, tenure, or kind the same may be, which shall have been recovered or preserved through the instrumentality of any such attorney or solicitor, for the taxed costs, charges, and expenses of or in reference to such suit, matter, or proceeding; and it shall be lawful for such court or judge to make such order or orders for taxation of and for raising and payment of such costs, charges, and expenses out of the said property as to such court or judge shall appear just and proper; and all conveyances and acts done to defeat or which shall operate to defeat such charge or right shall, unless made to a bonâ fide purchaser for value without notice, be absolutely void and of no effect as against such charge or right: Provided always, that no such order shall be made by any such court or judge in any case in which the right to recover payment of such costs, charges, and expenses is barred by any Statute of Limitations.

SCHEDULE.

Date of Act.	Title.	Extent of Repeal.
12 & 13 Vict. c. 53. -	An Act for consolidating and amending several of the laws relating to attorneys and solicitors practising in Ireland.	Section 2, from "Provided "also, that it shall be "lawful for any judge of "the superior courts of "law and equity" to end of section.

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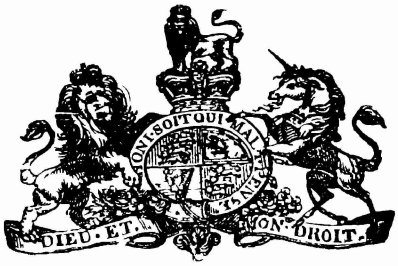

CHAPTER 48.

An Act to amend the Law with reference to Bankers' Books Evidence. [11th August 1876.] A.D. 1876.

WHEREAS serious inconvenience has been occasioned to bankers and also to the public by reason of the ledgers and other account books having been removed from the banks for the purpose of being produced in legal proceedings:

And whereas it is expedient to facilitate the proof of the transactions recorded in such ledgers and account books:

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Bankers' Books Evidence Act, 1876. Short title.

2. The word "bank" in this Act shall mean any person or persons, partnership or company, carrying on the business of bankers, and who at the commencement of each year shall have made their return to the Commissioners of Inland Revenue, and any savings bank certified under the Act of 1863. Interpretation clause.

The words "legal proceedings" in this Act shall include all proceedings, whether preliminary or final, in courts of justice, both criminal and civil, legal and equitable, and shall include all proceedings, whether preliminary or final, by way of arbitration, examination of witnesses, assessment of damages, compensation, or otherwise, in which there is power to administer an oath.

The words "the court" in this Act shall mean the court, judge, magistrate, sheriff, arbitrator, or other person authorised to preside over the said legal proceedings for the time being, and shall include all persons, judges, or officers having jurisdiction and authorised to preside over or to exercise judicial control over the said legal proceedings or the procedure or any steps therein.

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The words "a judge of one of the superior courts" shall mean respectively a judge of Her Majesty's High Court of Justice in so far as this Act applies to England and Wales, a lord ordinary of the outer house of the Court of Session in Scotland in so far as it applies to Scotland, and a judge of one of the superior courts at Dublin in so far as it applies to Ireland.

Entries in books by affidavit admissible in evidence.

3. From and after the commencement of this Act the entries in ledgers, day books, cash books, and other account books of any bank shall be admissible in all legal proceedings as primâ facie evidence of the matters, transactions, and accounts recorded therein on proof being given by the affidavit in writing of one of the partners, managers, or officers of such bank, or by other evidence that such ledgers, day books, cash books, or other account books are or have been the ordinary books of such bank, and that the said entries have been made in usual and ordinary course of business, and that such books are in or come immediately from the custody or control of such bank. Nothing in this clause contained shall apply to any legal proceeding to which any bank whose ledgers, day books, cash books, and other account books may be required to be produced in evidence shall be a party.

Originals need not be produced.

4. Copies of all entries in any ledgers, day books, cash books, or other account books used by any such bank may be proved in all legal proceedings as evidence of such entries without production of the originals, by means of the affidavit of a person who has examined the same, stating the fact of said examination, and that the copies sought to be put in evidence are correct.

Proviso as to notice to parties in a suit.

5. Provided always, that no ledger, day book, cash book, or other account book of any such bank, and no copies of entries therein contained, shall be adduced or received in evidence under this Act, unless five days notice in writing, or such other notice as may be ordered by the court, containing a copy of the entries proposed to be adduced and of the intention to adduce the same in evidence, shall have been given by the party proposing to adduce the same in evidence to the other party or parties to the said legal proceeding, and that such other party or parties is or are at liberty to inspect the original entries and the accounts of which such entries form a part.

Power under order of court to inspect books and take copies.

6. On the application of any party to any legal proceedings who has received such notice, a judge of one of the superior courts may order that such party be at liberty to inspect and to take copies of any entry or entries in the ledger, day books, cash books, or

other account books of any such bank relating to the matters in question in such legal proceedings, and such orders may be made by such judge at his discretion either with or without summoning before him such bank or the other party or parties to such legal proceedings, and shall be intimated to such bank at least three days before such copies are required.

Judge may order that copies are not admissible.

7. On the application of any party to any legal proceedings who has received notice, a judge of one of the superior courts may order that such entries and copies mentioned in the said notice shall not be admissible as evidence of the matters, transactions, and accounts recorded in such ledgers, day books, cash books, and other account books.

Bank not compellable to produce books except in certain cases.

8. No bank shall be compellable to produce the ledgers, day books, cash books, or other account books of such bank in any legal proceedings, unless a judge of one of the superior courts specially orders that such ledgers, day books, cash books, or other account books should be produced at such legal proceedings.

Proof as to status of bank.

9. The fact of any such bank having duly made their return to the Commissioners of Inland Revenue may be proved in any legal proceedings by production of a copy of such return, verified as having been duly made by the affidavit in writing of one of the partners, or of the manager, or of one of the officers of such bank, or by the production of a copy of a newspaper purporting to contain a copy of such return, published in such newspaper by the said Commissioners of Inland Revenue.

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Industrial and Provident Societies.

[39 & 40 Vict. Ch. 45.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

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[39 & 40 Vict. Ch. 49.]

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43. Supply of adjacent districts.
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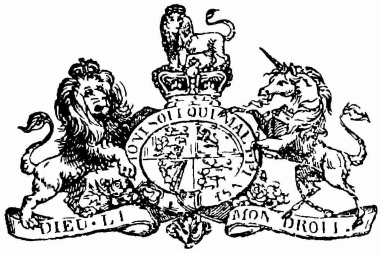
45. Obligation on commissioners as to supply of gas.
46. Gas pipes may be put in buildings.
47. Gas to be consumed by meter.
48. Power to enter buildings to inspect meters, &c., and for ascertaining quantities of gas consumed.
49. Notice to commissioners putting up or removing meters.
50. Repair of meters.
51. Power to commissioners to let meters.
52. Register of meter to be primâ facie evidence.
53. Power to remove meters and fittings.
54. Fraudulently injuring meters, &c.
55. For preventing wilful waste of gas.
56. Pressure of gas.
57. Quality of gas.
58. Commissioners to maintain apparatus to test illuminating power of gas.
59. Provision for testing quality of gas.
60. Costs of experiment to be paid according to the event.
61. Recovery of sums owing to commissioners.
62. Contents of summons or warrant.
63. Recovery of penalties.

SCHEDULES.



CHAPTER 45.

An Act to consolidate and amend the Laws relating to Industrial and Provident Societies. [11th August 1876.] A.D. 1876.

WHEREAS it is expedient to consolidate and amend the law relating to industrial and provident societies, and to assimilate the same in certain respects to the law relating to friendly societies:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Industrial and Provident Societies Act, 1876. Short title of Act.

2. This Act shall extend to Great Britain and Ireland, and the Channel Islands. Extent of Act.

3. In this Act, if not inconsistent with the context, the following terms shall have the meanings herein-after respectively assigned to them: Definitions.

"The Treasury" shall mean the Lords Commissioners of Her Majesty's Treasury:

"England" shall include the Channel Islands (except as herein-after provided):

"The registrar" shall mean for England the central office established by the Friendly Societies Act, 1875, and for Scotland or Ireland the assistant registrar of friendly societies for either country respectively; "the central office" shall mean the central office so established; and "chief registrar" and "assistant registrar" shall mean chief registrar and assistant registrar of friendly societies respectively:

"Country" shall mean England, Scotland, or Ireland, as the case may be:

The several ridings of the county of York, and the several Channel Islands, respectively, shall be deemed to be counties:

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"Land" shall include hereditaments, and in Scotland heritable subjects, of whatever description, and chattels real:

"Property" shall mean all real and personal estate (including books and papers):

"Registered society" shall mean a society registered or deemed to be registered under this Act:

"Amendment of rule" shall include a new rule, and a resolution rescinding a rule:

"Rules" shall mean rules for the time being:

"The committee" shall mean the committee of management or other directing body of a society:

"Persons claiming through a member" shall include the heirs, executors, administrators, and assigns of a member, and also his nominees where nomination is allowed:

"Officer" shall extend to any trustee, treasurer, secretary, member of the committee, manager, or servant, other than a servant appointed by the committee, of a society:

"Meeting" shall include (where the rules of a society so allow) a meeting of delegates appointed by members:

For Scotland, "court of summary jurisdiction" shall mean the sheriff court of the county:

"County court" shall mean for Scotland the sheriff court of the county, and for Ireland the Civil Bill Court; for Scotland, "administration" means confirmation, and "misdemeanor" a crime and offence:

"Summary Jurisdiction Acts" shall mean—

As to England, the Act 11 & 12 Vict. c. 43, and any Acts amending the same:

As to Scotland, the Summary Procedure Act, 1864, and any Acts amending the same:

As to Ireland, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, and of the police of such district; elsewhere in Ireland, the "Petty Sessions (Ireland) Act, 1851," and any Act amending the same:

"Gazette" shall mean the London Gazette for England, the Edinburgh Gazette for Scotland, and the Dublin Gazette for Ireland.

Repeal of Acts in first schedule.

4. The Acts set forth in the first schedule hereto shall be repealed from the commencement of this Act; but this repeal, or anything herein contained, shall not affect the past operation of the said Acts, or the force or operation, validity or invalidity, of anything

CHAPTER 49.

An Act to make provision for lighting Burghs in Scotland with Gas. [11th August 1876.]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as "The Burghs Gas Supply (Scotland) Act, 1876."

Application of Act limited.

2. The provisions of this Act shall not empower the town council or commissioners of police of any burgh in which this Act shall be adopted, as commissioners under this Act, to supply gas within any part of the area of supply over which the town council or commissioners of police of any other burgh, or any gas company, incorporated by Act of Parliament, or any company, partnership, or person authorised by any Provisional Order confirmed by Act of Parliament, shall have statutory powers to supply gas at the date of the adoption of this Act in such burgh.

Interpretation of terms.

3. The following expressions in this Act have the meanings hereby assigned to them; that is to say,

"Burgh" shall mean Royal burgh and Parliamentary burgh, and includes every burgh and place having town councillors or commissioners of police elected under any General or Local Act of Parliament:

"Commissioners" means the authority for executing this Act in any burgh in which the same shall be adopted:

"Elector" means any person entitled to vote in the election of town councillors or police commissioners in any burgh or any ward thereof:

"Ratepayer" has the same meaning in this Act as "householder" has in the General Police and Improvement (Scotland) Act, 1862, as amended by the General Police and Improvement (Scotland) Act, 1862, Amendment Act:

done or suffered, or any bond or security given, right, title, obligation, or liability accrued, contract entered into, or proceedings taken, under any of the said Acts, or under the rules of any society registered or certified thereunder, before the commencement of this Act.

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5. Every incorporated society now subsisting whose rules have been registered or certified under any Act relating to industrial and provident societies, shall be deemed to be a society registered under this Act, and its rules shall, so far as the same are not contrary to any express provision of this Act, continue in force until altered or rescinded.

Existing societies.

6. The societies which may be registered under this Act are societies (herein called industrial and provident societies) for carrying on any labour, trade, or handicraft, whether wholesale or retail, including the buying and selling of land, but as to the business of banking subject to the provisions herein-after contained, of which societies no member other than a society registered under this Act shall have or claim an interest in the funds exceeding two hundred pounds sterling.

Societies which may be registered.

7. With respect to the registry of societies, the following provisions shall have effect:

Registry of societies.

(1.) No society can be registered under this Act which does not consist of seven persons at least.

To consist of seven persons at least.

(2.) For the purpose of registry an application to register the society, signed by seven members and the secretary, and two written or printed copies of the rules, shall be sent to the registrar.

The application for registry.

(3.) No society shall be registered under a name identical with that under which any other existing society is registered, or so nearly resembling such name as to be likely, in the opinion of the registrar, to deceive the members or the public, as to its identity, and no society shall change its name without sanction of the chief or an assistant registrar or otherwise than is herein-after provided.

Identity or deceptive similarity of name not to be allowed.

(4.) A society registered under the Industrial and Provident Societies Act, 1852, and not registered under the Industrial and Provident Societies Acts, 1862 or 1867, may, on application to the registrar, obtain an acknowledgment of registry under this Act.

As to societies registered under former Acts.

(5.) The word "limited" shall be the last word in the name of every society registered under this Act.

"Limited" to be last word of name.

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"Lands and heritages" has the same meaning in this Act as in the Act of the seventeenth and eighteenth year of the reign of Her present Majesty, chapter ninety-one, intituled "An Act "for the valuation of lands and heritages in Scotland":

"Company" means any person, persons, company, or companies carrying on the business of a gas company:

"Shareholder" means shareholder or holder of stock of any gas company whose works may be acquired by the commissioners of any burgh under the provisions of this Act:

"Annuity" means any annuity payable under this Act:

"Annuitant" means any person entitled to and holding an annuity payable under the provisions of this Act:

"Sheriff" includes sheriff substitute:

"Clerk," "treasurer," and "collector" mean the clerk, treasurer, and collector respectively who may be appointed by the commissioners of any burgh which shall adopt the provisions of this Act.

I.—*Adoption of the Act.*

Town council or commissioners of police may resolve that this Act shall be adopted, and cause such resolution to be published.

4. It shall be lawful for the town council in any burgh in which there is a town council, and for the commissioners of police in any other burgh, by a majority of the members who are present at a meeting of such town council or commissioners specially called for the purpose, to resolve that this Act shall be adopted in and applied to the burgh, and to appoint a day not earlier than the third and not later than the thirtieth lawful day after the completion of the then next ensuing annual election of councillors or commissioners of police, as the case may be, for the burgh, for holding a second special meeting to resume consideration of such resolution; and a copy of any minute containing such resolution and appointment shall be inserted once in each newspaper published in the burgh one month at least before such next annual election; and if there be no newspaper published in the burgh, a copy of such minute shall be delivered or transmitted through the post office to each elector and to the sheriff clerk and clerk of the peace of the county within which the burgh is situated, and shall be inserted once in a newspaper published in such county, or in an adjoining county, one month at least before such next annual election.

If resolution approved, this Act to be adopted, and minute to be registered in sheriff court books.

5. No such resolution as in the preceding section mentioned shall have any validity unless approved by a majority of two thirds at least of the members of the town council or commissioners of police, as the case may be, who are present at such second special meeting or at any adjourned special meeting, (of which adjourned special meeting ten days notice in writing shall be given to each member of the

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Registry of societies doing business in more than one country.

(6.) Societies carrying or intending to carry on business in more than one country shall be registered in the country in which their registered office, as herein mentioned, is situate; but copies of the rules of such societies, and of all amendments of the same, shall, when registered, be sent to the registrar of each of the other countries, to be recorded by him; and until such rules be so recorded the society shall not be entitled to any of the privileges of this Act in the country in which such rules have not been recorded, and until such amendments of rules be recorded the same shall not take effect in such country.

The acknowledgment of registry.

(7.) The registrar, on being satisfied that a society has complied with the provisions as to registry in force under this Act, shall issue to such society an acknowledgment of registry.

Appeals from refusal to register.

(8.) If any registrar refuse to register the society or any rules, the society may appeal from such refusal, as follows:

(*a.*) If the assistant registrar for Scotland refuse to register, to either division of the Inner House of the Court of Session:

(*b.*) If the assistant registrar for Ireland refuse to register, to the Court of Queen's Bench at Dublin:

(*c.*) If the central office or the chief registrar refuse to register, to the Court of Queen's Bench in England:

(*d.*) The Court of Session, the Court of Queen's Bench at Dublin, and the Judges of the Court of the Queen's Bench Division of the High Court in England respectively, may make rules or orders as to the form of appeals and the trying thereof and otherwise relating thereto.

If refusal overruled, acknowledgment to be given.

(9.) If the refusal of registry be overruled on appeal, an acknowledgment of registry shall thereupon be given to the society by the registrar.

Effect of acknowledgment of registry.

(10.) The acknowledgment of registry shall be conclusive evidence that the society therein mentioned is duly registered, unless it be proved that the registry of the society has been suspended or cancelled.

Cancelling and suspension of registry.

8. With respect to the cancelling or suspension of registry the following provisions shall have effect:

Cancelling.

(1.) The chief registrar, or, in the case of societies registered and doing business in Scotland or Ireland exclusively, the assistant registrar for Scotland or Ireland respectively, may cancel the registry of a society by writing under his hand,—

(*a.*) If he thinks fit, at the request of a society, to be evidenced in such manner as he shall from time to time direct:

town council or commissioner of police, as the case may be,) and in the event of such approval the town council or commissioners shall not proceed to carry the same into effect until after the expiration of one month from the date of the meeting at which such resolution was approved, and during such month such resolution, as so approved of, shall be advertised once at least in each week in each newspaper published in the burgh, and if there be no newspaper published in the burgh, in some newspaper circulating in the county in which the burgh is situated, and public notice thereof shall also be given by means of placards posted in public places within the burgh; and if before the expiration of such month a remonstrance in writing by twenty or more ratepayers against carrying into effect such resolution, or any part thereof, be lodged with the town clerk or clerk of the commissioners of police, as the case may be, such resolution shall not be carried into effect unless confirmed by a majority of the ratepayers qualified and voting at a poll to be taken, and upon such remonstrance being lodged as aforesaid the chief or senior magistrate of such burgh shall be bound to direct a poll to be taken in the manner prescribed in regard to polls of householders taken with reference to the adoption of "The General Police and Improvement (Scotland) Act, 1862;" and the whole enactments and procedure provided in regard to such polls shall, so far as applicable, extend and apply to the poll hereby authorised and directed to be taken. If no such remonstrance is lodged, or if such resolution is confirmed by the ratepayers, the sheriff shall authorise the resolution to be registered in the sheriff court books of the county in which the burgh is situated; and the provisions of this Act shall be in force from and after such registration, the date of which shall be held as the date of the adoption of this Act. If such resolution is not confirmed, it shall not be lawful for the town council or commissioners of police again to resolve that this Act be adopted and applied to the burgh before the expiration of three years from the date of the previous resolution.

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II.—*Incorporation of Acts.*

6. "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," shall, except the provisions thereof with respect to the purchase and taking of lands otherwise than by agreement, and with respect to the entry upon lands by the promoters of the undertaking, be incorporated with and form part of this Act.

8 & 9 Vict. c. 19. and 23 & 24 Vict. c. 106. incorporated

The provisions of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners,

Part of 10 & 11 Vict. c. 16. incorporated.

(*b.*) With the approval of the Treasury, on proof to his satisfaction that an acknowledgment of registry has been obtained by fraud or mistake, or that a society exists for an illegal purpose, or has wilfully and after notice from a registrar whom it may concern violated any of the provisions of this Act, or has ceased to exist. A.D. 1876.

(2.) The chief or assistant registrar, in any case in which he might, with the approval of the Treasury, cancel the registry of a society, may suspend the same, by writing under his hand, for any term not exceeding three months, and may, with the approval of the Treasury, renew such suspension from time to time for the like period. Suspension.

(3.) Not less than two months previous notice in writing, specifying briefly the ground of any proposed cancelling or suspension of registry, shall be given by the chief or assistant registrar to a society before the registry of the same can be cancelled (except at its request) or suspended; and notice of every cancelling or suspension shall be published in the Gazette, and in some newspaper circulating in the county in which the registered office of the society is situated, as soon as practicable after the same takes place. Notice of cancelling or suspension.

(4.) A society may appeal from the cancelling of its registry, or from any suspension of the same which is renewed after six months, in manner herein provided for appeals from the chief registrar's or the registrar's refusal to register respectively. Appeal from cancelling or suspension.

(5.) A society whose registry has been suspended or cancelled shall from the time of such suspension or cancelling (but if suspended, only whilst such suspension lasts, and subject also to the right of appeal hereby given) absolutely cease to enjoy as such the privileges of a registered society, but without prejudice to any liability actually incurred by such society, which may be enforced against the same as if such suspension or cancelling had not taken place. Effect of cancelling or suspension.

9. With respect to the rules of societies the following provisions shall have effect: Rules and amendments.

(1.) The rules of every society sent for registry shall contain provisions in respect of the several matters mentioned in the second schedule to this Act. Provisions to be contained in rules.

(2.) No amendment of a rule made by a registered society shall be valid until the same has been registered under this Act, for which purpose copies of the same, signed by three members and the secretary, shall be sent to the registrar. Amendments to be registered.

(3.) The provision herein contained as to appeals from a refusal of registry shall apply to amendments of rules. Provision applicable to amendments.

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shall, except sections eighty-four and eighty-five, and except where expressly varied by this Act, be incorporated with this Act, and applied to the money borrowed and mortgages granted under the powers of this Act.

10 & 11 Vict. c. 15. incorporated.

"The Gasworks Clauses Act, 1847," except the clauses thereof with respect to the amount of profit to be received by the undertakers when the gasworks are carried on for their benefit, shall, except where the same is at variance with the provisions of this Act, be incorporated with and form part of this Act.

The several words and expressions to which by the Acts partially incorporated with this Act meanings are assigned shall in this Act have the same respective meanings, unless there be something in the subject or context repugnant to such construction: Provided always, that in the Acts partially incorporated with this Act, and also in this Act, the expressions "the undertakers" and "the commissioners" shall mean the commissioners acting in the execution of this Act; "the undertaking" shall mean the gasworks, business, property heritable and movable, plant, pipes, meters, and other assets of any company, to be purchased by and vested in the commissioners under the provisions of this Act; the word "street" shall mean and include street, highway, quay, wharf, bridge, railway crossing, bridleway, footway, carriageway, side pavement, turnpike, statute labour, or other road, thoroughfare, lane, passage, square, court, or place within any burgh brought under the provisions of this Act; and the word "lands" shall include any servitude, right, or privilege in, over, or affecting lands.

III.—*The Commissioners; their Proceedings.*

Commissioners for executing Act.

7. The commissioners for executing this Act in any burgh in which the same shall be adopted shall be,—

(1.) In any burgh having a town council, the town council;

(2.) In any other burgh, the commissioners of police.

Power to commissioners to appoint committee.

8. The commissioners may from time to time appoint a committee of their number (to be called "The Gas Committee") for the execution of any of the purposes of this Act, and may appoint a convener of such committee, and may from time to time remove any member of such committee, and appoint another commissioner in his room, and may delegate to any such committee such of the powers and authorities of the commissioners as the commissioners think fit, and where such powers and authorities are not specially limited and defined by the commissioners, every such committee shall have and may exercise all powers and authorities necessary to enable them to

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Acknowledgment of registry of amendments.

(4.) The registrar shall, on being satisfied that any amendment of a rule is not contrary to the provisions of this Act, issue to the society an acknowledgment of registry of the same, which shall be conclusive evidence that the same is duly registered.

Copies of rules to be delivered on demand.

(5.) A copy of the rules of a registered society shall be delivered by the society to every person on demand, on payment of a sum not exceeding one shilling.

Delivery of untrue rules.

(6.) If any person, with intent to mislead or defraud, gives to any other person a copy of any rules, laws, regulations, or other documents, other than the rules for the time being registered under this Act, on the pretence that the same are existing rules of a registered society, or that there are no other rules of such society, or gives to any person a copy of any rules on the pretence that such rules are the rules of a registered society when the society is not registered, the person so offending shall be deemed guilty of a misdemeanor.

Duties and obligations of societies.

10. With respect to the duties and obligations of registered societies the following provisions shall have effect:

(1.) Every society shall—

Registered office.

(*a.*) Have a registered office to which all communications and notices may be addressed, and send to the registrar notice of the situation of such office, and of every change therein:

Publication of name.

(*b.*) Paint or affix, and keep painted or affixed, its name on the outside of every office or place in which the business of the society is carried on, in a conspicuous position, in letters easily legible, and have its name engraven in legible characters on its seal, and have its name mentioned in legible characters in all notices, advertisements, and other official publications of the society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of such society, and in all bills of parcels, invoices, receipts, and letters of credit of the society:

Audit.

(*c.*) Once at least in every year submit its accounts for audit either to one of the public auditors appointed as herein mentioned, or to two or more persons appointed as the rules of the society provide, who shall have access to all the books and accounts of the society, and shall examine the general statement of the receipts and expenditure, funds and effects of the society, and verify the same with the accounts and vouchers relating thereto, and shall either

transact the business committed to them; and the acts and proceedings of any such committee within the limits of such delegation shall be deemed the acts and proceedings of the commissioners; and the quorum of any such committee shall, unless where otherwise declared, be three, and the convener thereof shall be chairman; and the commissioners may from time to time make such regulations as they think fit for the guidance of any such committee.

Two or more burghs may amalgamate.

9. It shall be lawful for the town councils or commissioners of police of two or more burghs who have adopted this Act to amalgamate for the purposes of this Act (and on such amalgamation the committees, when appointed by them, shall be called "The Joint Gas Committee"), and the Joint Gas Committee shall have, exercise, and enjoy all the powers and authorities within the area of the combined burghs which are by this Act conferred on the commissioners of any single burgh.

Meetings of committee.

10. Every committee appointed by the commissioners may meet from time to time and may adjourn from place to place as they think proper for carrying into effect the purposes of their appointment; and at all meetings of the committee one of the members present shall, in the absence of the convener, be appointed chairman; and all questions shall be determined by a majority of the votes of the members present, and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Vacancies not to invalidate acts of commissioners.

11. No proceeding of the commissioners or of any committee shall be invalidated or be illegal in consequence of there being any vacancy or vacancies in the number of commissioners at the time of such proceeding.

Minutes of proceedings.

12. The commissioners shall cause entries of the proceedings of the commissioners, and of every committee appointed by them, with the names of the commissioners who shall attend each meeting, to be duly made from time to time in books to be provided for the purpose, which shall be kept by the clerk, under the superintendence of the commissioners; and every such entry shall be signed by the chairman of the meeting at which the proceedings took place; and such entry so signed, or a copy thereof certified by the clerk, shall be received as evidence in all courts, and before all judges, justices, and others, without proof of such meeting having been duly convened or held, or of the persons attending such meeting having been or being commissioners or members of committee respectively, or of the signature of the chairman, or of the fact of his having

sign the same as found by them to be correct, duly vouched, and in accordance with law, or specially report to the society in what respects they find it incorrect, unvouched, or not in accordance with law:

Annual returns.

(*d.*) Once in every year before the first day of June send to the registrar a general statement (to be called the annual return) of the receipts and expenditure, funds and effects of the society as audited, which shall show separately the expenditure in respect of the several objects of the society, and shall be made out to the thirty-first December then last inclusively, and shall state whether the audit has been conducted by a public auditor appointed as by this Act is provided, and by whom, and if by any person other than a public auditor, shall state the name, address, and calling or profession of each such person, and the manner in which and the authority under which he is appointed, and together therewith shall send a copy of the auditor's report:

Inspection of books.

(*e.*) Allow any member or person having an interest in the funds of the society to inspect the books and the names of the members at all reasonable hours at the registered office of the society, or at any place where the same are kept; subject to such regulations as to the time and manner of such inspection as may be made from time to time by the general meetings of the society, except that no such member or person, unless he be an officer of the society, or be specially authorised by a resolution thereof, shall have the right to inspect a loan or deposit account of any other member without the written consent of such member:

Supplying copies of annual returns.

(*f.*) Supply gratuitously to every member or person interested in the funds of the society, on his application, a copy of the last annual return of the society for the time being:

Balance sheet, &c. to be hung up at office.

(*g.*) Keep a copy of the last balance sheet for the time being, together with the report of the auditors, always hung up in a conspicuous place at the registered office of the society.

Provisions as to banking.

(2.) The following provisions shall apply to the business of banking by societies—

(*a.*) No society which has any withdrawable share capital shall carry on the business of banking:

(*b.*) Every society which carries on the business of banking shall, on the first Mondays in February and August in each year, make out and keep conspicuously hung up in its

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been chairman, all of which last-mentioned matters shall be presumed until the contrary is proved; and such books shall at all reasonable times be open to the inspection of any of the commissioners, or of any mortgagee of the property of the commissioners, or of any annuitant.

Contract for supply of gas not to disqualify commissioners.

13. No person shall be disqualified from being, continuing, or acting as a commissioner by reason of his being concerned in any contract entered into with the commissioners for the supply of gas, or of his being a mortgagee of the commissioners or an annuitant.

Liability for payment of rates not to disqualify.

14. No person liable under this Act in payment of rates or other consideration in respect of a supply of gas shall on that account, or on account of being a commissioner, be disqualified from acting as a justice of peace or sheriff, or exercising any judicial or other function in the carrying out of this Act.

Books and accounts to be kept.

15. The treasurer shall keep separate and distinct books and accounts altogether apart from and unconnected with the other accounts and books of the commissioners, and such books and accounts shall contain a full and accurate record of all moneys received and paid by the treasurer or the servants of the commissioners under the powers and provisions of this Act.

Auditor to be appointed.

16. On or before the first day of May in every year after this Act shall be adopted by a burgh, the commissioners shall apply to the sheriff, and the sheriff shall appoint for the financial year then current an auditor (being a person well skilled in accounts, and not being one of the commissioners, or holding office under them,) to audit the accounts of the commissioners; and such auditor shall continue in office until superseded by the appointment of another, and shall be allowed such reasonable remuneration as shall be fixed by the sheriff; and in case in any year the office of such auditor shall, before such accounts have been audited by him, become vacant by death, or from any other cause, the sheriff shall from time to time appoint an auditor to supply such vacancy; and the whole books, accounts, vouchers, and documents of the commissioners in relation to their undertaking shall be laid before the auditor for the purpose of such audit.

Accounts to be balanced.

17. The accounts to be kept by the treasurer shall be brought to a balance on the fifteenth day of May in each year for the year immediately preceding, and shall be audited within thirty days thereafter, and shall be submitted along with the auditor's report to a general meeting of the commissioners, which shall be held upon the second Monday of July annually, at which meeting

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registered office, and every other place of business belonging to it, a statement in the form in the third schedule hereto annexed, or as near thereto as the circumstances admit:

(*c.*) The taking deposits of not more than five shillings in any one payment, nor more than twenty pounds for any one depositor, payable on not less than two clear days notice, shall not be included in the business of banking within the meaning of this Act; but no society which takes such deposits shall make any payment of withdrawable capital while any claim due on account of any such deposit is unsatisfied.

Offences.

(3.) It shall be an offence under this Act if any registered society—

(*a.*) Fails to give any notice, send any return or document, or do or allow to be done any act or thing which the society is by this Act required to give, send, do, or allow to be done:

(*b.*) Wilfully neglects or refuses to do any act or to furnish any information required for the purposes of this Act by the chief or any other registrar or other person authorised under this Act, or does any act or thing forbidden by this Act:

(*c.*) Makes a return or wilfully furnishes information in any respect false or insufficient:

(*d.*) Carries on the business of banking having any withdrawable share capital, or in carrying on such business does not make out and keep conspicuously hung up such statement as is herein-before required, or makes any payment of withdrawable capital contrary to the provision herein-before contained.

Offences by societies to be also offences by officers, &c.

(4.) Every offence by a society under this Act shall be deemed to have been also committed by every officer of the same bound by the rules thereof to fulfil the duty whereof such offence is a breach, or if there be no such officer, then by every member of the committee of the same, unless such member be proved to have been ignorant of or to have attempted to prevent the commission of such offence; and every act or default under this Act constituting an offence, if continued, shall constitute a new offence in every week during which the same continues.

Returns to be in prescribed form.

(5.) Every return and other document required for the purposes of this Act shall be made in such form and shall contain such particulars as the chief registrar prescribes.

the accounts shall be examined, and an abstract statement and account, authenticated by the docquet and subscription of the chairman of the meeting and the clerk, shall be printed, and a copy thereof shall be inserted once in each newspaper published in the burgh within ten days of the date of such general meeting, or if there be no newspaper published in the burgh, a copy of such abstract statement and account shall be inserted once in a newspaper published in the county in which the burgh is situated, or in an adjoining county. The commissioners shall also keep printed copies of such abstract statement and account at their office, and sell the same to any applicant at a price not exceeding one shilling for each such copy.

IV.—*General Powers and Obligations of Commissioners.*

Commissioners may erect gasworks and supply public and private lights in certain cases.

18. The commissioners may (subject to the provisions of this Act) erect, lay down, improve, extend, and maintain gasworks, gasometers, and pipes for the distribution of gas, and execute all such works as may be necessary for the efficient manufacture and supply of gas for public and private purposes, and may purchase, acquire, and hold lands and other property for these purposes, and may carry on any such operations and business as are usually carried on by gas companies.

Provided that the commissioners shall not manufacture or store gas, or any residual products, upon any lands without the previous consent in writing of the owner, lessee, and occupier of every dwelling-house situate within three hundred yards of the limits of such lands, or until the commissioners shall have made a return to the Board of Trade setting forth the description and extent of such lands. But this proviso shall not apply to lands upon which gas or residual products are manufactured or stored at the date of the adoption of this Act.

Sale of superfluous lands.

19. The commissioners may sell and dispose of any lands which are vested in them, or which they are authorised to purchase, and which shall not be required for the purposes of this Act, and the provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, sections one hundred and twenty-one to one hundred and twenty-five (both sections inclusive), shall apply to any such sale; and the commissioners may also from time to time sell and dispose of any works, buildings, or erections on any lands belonging to them which shall not be required for the purposes of this Act.

Commissioners may purchase gasworks.

20. Where there is a company not incorporated by Act of Parliament, or authorised by Provisional Order confirmed by Act of Parliament, supplying gas within a burgh, the commissioners

(6.) All documents by this section required to be sent to the registrar shall be deposited with the rules of the societies to which the same respectively relate, and shall be registered or recorded by the registrar, with such observations thereon, if any, as the chief registrar shall direct.

Recording of documents.

11. Registered societies shall be entitled to the following privileges:

Privileges of societies.

(1.) The registration of a society shall render it a body corporate by the name described in the acknowledgment of registry by which it may sue and be sued, with perpetual succession and a common seal, and with limited liability; and shall vest in the society all property for the time being vested in any person in trust for the society; and all legal proceedings pending by or against the trustees of any such society may be prosecuted by or against the society in its registered name without abatement.

Incorporation of society with limited liability.

(2.) The rules of the society shall bind the society and all members thereof and all persons claiming through them respectively to the same extent as if each member had subscribed his name and affixed his seal thereto, and there were contained in such rules a covenant on the part of himself, his heirs, executors, and administrators, to conform thereto, subject to the provisions of this Act: Provided that a society registered at the time when this Act comes into operation, or the members thereof, may respectively exercise any power given by this Act, and not made to depend on the provisions of its rules, notwithstanding any provision contained in any rule thereof certified before this Act was passed.

Rules to bind the members.

(3.) All moneys payable by a member to the society shall be a debt due from such member to the society, and shall be recoverable as such either in the county court of the district in which the registered office of the society is situate, or that of the district in which such member resides, at the option of the society.

Moneys due from members to be a debt recoverable from them.

(4.) The society shall not be chargeable under Schedule (C.) or Schedule (D.) of the Income Tax Acts, but no member of or person employed by the same to whom any profits are paid shall be exempted from any assessment to the said duties to which he would otherwise be liable.

Exemption from income tax.

(5.) A member of a society, not being under the age of sixteen years, may, by writing under his hand delivered at or sent to the registered office of the society, nominate any person, not being an

Power of nomination for sums not exceeding fifty pounds.

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may, subject to the provisions of this Act, buy from such company, and such company, if formed or registered under the Companies Act, 1862, with the sanction of a special resolution in terms of that Act, and if not so formed or registered, with the consent of a majority of three fourths in value of the shareholders or members of such company, present either personally or by proxy at a meeting specially convened for the purpose, may sell and transfer to the commissioners, on such terms as may be agreed on between the commissioners and the company, the undertaking of such company, and all the rights, powers, and privileges, and all or any of the lands, premises, works, and other property of the company, but subject to all liabilities attached to the same at the time of purchase.

Provisions for purchase.

21. Where there is a company not incorporated by Act of Parliament, or authorised by Provisional Order confirmed by Act of Parliament, supplying gas within a burgh, the commissioners, before they shall exercise any of the powers conferred by this Act, shall give notice to such company that they are willing to buy or to treat for the purchase of the undertaking of such company, and of all the rights, powers, and privileges, and all the lands, premises, works, and other property of the company, and if such company shall consent, in manner provided by the last preceding section, to sell the same, the commissioners shall purchase the undertaking on terms mutually agreed upon or to be fixed by arbitration in the manner provided by the Lands Clauses Consolidation (Scotland) Act, 1845, respecting matters thereby directed to be settled by arbitration, and if such company shall refuse to sell the same, or shall not within two calendar months after the service of such notice return any answer, the commissioners may present a petition to the sheriff stating the facts, and the sheriff shall, on being satisfied by evidence of the facts as stated, decern accordingly, and on such decree being pronounced the commissioners shall have and may exercise all the powers conferred by this Act.

Consideration for gas-works of any company if purchased.

22. The consideration to be paid by the commissioners for the purchase of the undertaking of any gas company under the powers of this Act may be either a capital sum of money or annuities, or partly a capital sum of money and partly annuities, as may be agreed upon between the commissioners and the company, but the commissioners shall not pay any such consideration either in the shape of a capital sum or in annuities until the company selling their undertaking shall have delivered to the commissioners a valid conveyance thereof duly stamped and executed: Provided that such

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officer or servant of the society, unless such officer or servant is the husband, wife, father, mother, child, brother, sister, nephew, or niece of the nominator, to whom his shares in the society shall be transferred at his decease, provided that the amount credited to him in the books of the society does not exceed fifty pounds, and may from time to time revoke or vary such nomination by a writing under his hand similarly delivered or sent, but not otherwise, and every such society shall keep a book wherein the names of all persons so nominated shall be regularly entered, and the shares comprised in any such nomination shall be transferable to the nominee although the rules of the society declare its shares to be generally not transferable; and on receiving satisfactory proof of the death of a nominator the committee of the society shall either transfer the shares in manner directed on such nomination or pay to every person entitled thereunder the full value of his interest, at their option, unless the shares if transferred to any such nominee would raise his interest in the society to an amount exceeding two hundred pounds sterling, in which case they shall pay him the full value of such shares, not exceeding the sum aforesaid.

Distribution of sums not exceeding fifty pounds.

(6.) If any member of a society, entitled to an interest in the society not exceeding fifty pounds, dies intestate and without having made any nomination under this Act which remains unrevoked at his death, such interest shall be transferable or payable, without letters of administration, to or among the persons who appear to a majority of the committee, upon such evidence as they may deem satisfactory, to be entitled by law to receive the same.

Payments to persons apparently entitled valid.

(7.) Whenever the committee, after the decease of any member, make any payment or transfer to any person who at the time appears to them to be entitled under this section, the payment or transfer shall be valid and effectual against any demand made upon the committee or the society by any other person.

When trustees are absent, &c., registrar may order stock to be transferred.

(8.) When any person, in whose name any stock belonging to any such society transferable at the Bank of England or Bank of Ireland is standing, either jointly with another or others or solely, as a trustee therefor, is absent from Great Britain or Ireland respectively, or becomes bankrupt, or files any petition or executes any deed for liquidation of his affairs by assignment or arrangement, or for composition with his creditors, or becomes a lunatic, or is dead, or has been removed from his office of trustee, or if it be unknown whether such person is living or dead, the chief

annuities shall be limited to expire within forty years from the date of the purchase. A.D. 1876.

Annuities to vest in shareholders of company.

23. In the event of the agreement between the commissioners and the company being for payment by way of annuity, the following provisions shall have effect; firstly, the amount of the annuity, as the same shall be fixed by agreement or settled by arbitration in the manner herein-before provided, shall be payable in every year on such day or days yearly or half-yearly as may be agreed upon between the commissioners and the company, or settled as herein-before provided; secondly, the said amount shall be paid in the form of annuities, which shall be called by the name of the burgh issuing the same, and which shall vest in and belong and be paid to the several persons, their executors, administrators, or assignees, who at the date of the agreement to purchase the undertaking of the company were shareholders in the company, according to their respective rights and interests in the share capital of the company, subject to the following provisions; viz.,

Annuity certificates to be granted.

(A.) The commissioners shall, at their own expense, grant and issue to every shareholder of the company, or to his executors, administrators, or assignees, on delivery to the commissioners of the certificate, or on production of other evidence of the share or stock or interest held by him in the capital of the company, annuity certificates in the form of the Schedule (A.) to this Act for the amount of the annuities to which such shareholder is entitled under the provisions of this Act:

Amounts for which certificates shall be issued.

(B.) The annuity certificates issued by the commissioners to any person entitled thereto shall be so many, and each of them for such sum, but not exceeding in the aggregate the whole amount of his annuities, as he by notice in writing to the commissioners shall require: Provided that if or so far as any person does not require any particular number of certificates to be issued to him, the commissioners shall issue to such person one or more certificates, as they shall think fit:

Certificates to be numbered and renewed.

(C.) The annuity certificates shall be numbered in arithmetical progression, beginning with No. 1, and every annuity certificate shall be distinguished by its appropriate number; and the annuity certificates shall be renewed by the commissioners when lost, worn out, or damaged, on production to them, or their clerk or treasurer, of evidence of the right of the annuitant requiring such

registrar, on application in writing from the secretary and three members of the society, and on proof satisfactory to him, may direct the transfer of the stock into the names of any other persons as trustees for the society; and such transfer shall be made by the surviving or continuing trustees, and if there be no such trustee, or if such trustees refuse or be unable to make such transfer, and the chief registrar so direct, then by the Accountant General or Deputy or Assistant Accountant General of the Bank of England or Bank of Ireland, as the case may be; and the Governors and Companies of the Bank of England and Bank of Ireland respectively are hereby indemnified for anything done by them or any of their officers in pursuance of this provision against any claim or demand of any person injuriously affected thereby.

Membership of minors.

(9.) A person under the age of twenty-one but above the age of sixteen may be a member of a society, unless provision be made in the rules thereof to the contrary, and may, subject to the rules of the society, enjoy all the rights of a member (except as herein provided), and execute all instruments and give all acquittances necessary to be executed or given under the rules, but shall not be a member of the committee, trustee, manager, or treasurer of the society.

Promissory notes and bills of exchange.

(10.) A promissory note or bill of exchange shall be deemed to have been made, accepted, or endorsed on behalf of any society if made, accepted, or endorsed in the name of the society, or by or on behalf or account of the society, by any person acting under the authority of the society.

Register of members or shares.

(11.) Any register or list of members or shares kept by any society shall be primâ facie evidence of any of the following particulars entered therein:

(*a.*) The names, addresses, and occupations of the members, the number of shares held by them respectively, the numbers of such shares, if they are distinguished by numbers, and the amount paid or agreed to be considered as paid on any such shares:

(*b.*) The date at which the name of any person, company, or society was entered in such register or list as a member:

(*c.*) The date at which any such person, company, or society ceased to be a member.

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renewal; and if in any case the commissioners shall not be satisfied with the evidence offered by any annuitant, he may appeal to the sheriff, who shall decide summarily what evidence is requisite, and whose decision shall be final; and for every such renewed certificate the commissioners may demand any sum not exceeding two shillings and sixpence:

Register of annuities.

(D.) The commissioners shall keep a book called "The Register of [*name of burgh*] Gas Annuities," and enter therein from time to time, in alphabetical order, the names and designations of the several annuitants respectively entitled to the annuities, and the respective amounts of their annuities:

Annuities personal estate.

(E.) The annuities shall be movable or personal estate, and transmissible as such:

Annuities may be transferred.

(F.) Every annuitant may sell and transfer all or any of his annuities; and every such transfer shall be by deed duly stamped, in which the consideration shall be truly stated, and such deed may be in the form of the Schedule (B.) to this Act, or to the like effect:

Transfer of annuities to be registered.

(G.) Every such transfer, when duly executed, shall be delivered to the commissioners, and kept by them, and they shall keep a book called "The Register of Transfers of the [*name of burgh*] Gas Annuities," and shall enter every such transfer therein, and shall endorse such entry on the transfer, such endorsement to be signed by the treasurer or clerk, and shall, on demand, deliver a new certificate to the transferee; and for every such entry of a transfer with such endorsement and certificate the commissioners may demand any sum not exceeding two shillings and sixpence; and on the request of any transferee an endorsement of the transfer to him shall be made on the certificate transferred, instead of a new certificate being granted; and such endorsement, being signed by the treasurer or clerk, shall be considered in every respect the same as a new certificate; and until such transfer be so delivered to the commissioners the transferee shall not be entitled to receive any part of the annuities transferred:

Closing of transfer books.

(H.) The commissioners may close the register of transfers of annuities for any period not exceeding fourteen days in each year; and any transfer made during the time when such register is closed shall, as between the com-

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Contracts how made.

(12.) Contracts on behalf of the society may be made, varied, or discharged as follows:

(*a.*) Any contract, which if made between private persons would be by law required to be in writing, and if made according to the English law to be under seal, may be made on behalf of the society in writing under the common seal of the society, and may in the same manner be varied or discharged:

(*b.*) Any contract, which if made between private persons would be by law required to be in writing and signed by the persons to be charged therewith, may be made on behalf of the society in writing by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged:

(*c.*) Any contract under seal, which if made between private persons might be varied or discharged at law or in equity by a writing not under seal signed by any person interested therein, may be similarly varied or discharged on behalf of the society by a writing not under seal signed by any person acting under the express or implied authority of the society:

(*d.*) Any contract, which if made between private persons would be by law valid though made by parol only and not reduced into writing, may be made by parol on behalf of the society by any person acting under the express or implied authority of the society, and may in the same manner be varied or discharged:

(*e.*) A signature purporting to be made by a person holding any office in the society attached to a writing whereby any contract purports to be made, varied, or discharged by or on behalf of the society shall primâ facie be taken to be the signature of a person holding at the time when the signature was made the office so stated:

And all contracts which may be or have been made, varied, or discharged, according to the provisions herein contained, shall, so far as concerns the form thereof, be effectual in law and binding on the society and all other parties thereto, their heirs, executors, or administrators, as the case may be.

Property and funds of societies.

12. With respect to the property and funds of registered societies, the following provisions shall have effect:

Holding of land.

(1.) A society may (if its rules do not direct otherwise) hold, purchase, or take on lease in its own name any land, and may sell,

missioners and the transferee, but not otherwise, be held as made after that time:

Transmission of annuities by other means than transfer to be authenticated by a declaration.

(I.) If the right to any annuity becomes transmitted in consequence of the death or bankruptcy or insolvency of any annuitant, or in consequence of the marriage of a female annuitant, or by any lawful means other than by a transfer according to the provisions of this Act, such transmission shall be authenticated by a declaration in writing as herein-after provided; and until the transmission be so authenticated, no person claiming by virtue thereof shall be entitled to receive any part of the annuity transmitted:

Contents of declaration.

(J.) Every such declaration shall state the manner in which and the party to whom the annuity is transmitted, and shall be made and signed by some credible person before a justice of the peace or a sheriff; and such declaration shall be left with the commissioners, and thereupon they shall enter the name of the person entitled under such transmission in the register of annuities, and for every such entry the commissioners may demand any sum not exceeding one shilling:

Contents of declaration in cases of transmission by marriage or will.

(K.) If the transmission be by virtue of the marriage of a female annuitant, the declaration shall contain a copy of the register of such marriage, or other particulars of the celebration or effecting thereof, and shall declare the identity of the wife with the holder of the annuity; and if the transmission be by virtue of any will or testamentary instrument, or by intestacy, the confirmation or testament testamentar, or testament dative, or the probate or letters of administration, or an official copy or extract thereof, shall, with the declaration, be produced to the treasurer or clerk, and upon such production in either of those cases the treasurer or clerk shall make an entry of the declaration in the register of transfers of annuities:

Commissioners not bound to regard trusts.

(L.) The commissioners shall not be bound to see to the execution of any trust, whether expressed, implied, or constructive, to which any annuity may be subject; and the receipt of the person in whose name any annuity stands in the register of annuities shall from time to time be a sufficient discharge to the commissioners for any money payable in respect of such annuity, notwithstanding any trust to which the same may then be subject, and whether or not the commissioners have had

exchange, mortgage, lease, or build upon the same (with power to alter and pull down buildings and again rebuild), and no purchaser, assignee, mortgagee, or tenant shall be bound to inquire as to the authority for any such sale, exchange, mortgage, or lease by the society, and the receipt of the society shall be a discharge for all moneys arising from or in connexion with such sale, exchange, mortgage, or lease. A.D. 1876.

(2.) The rules may provide for the advancing of money by the society to members on the security of real or personal property. Advances to members.

(3.) Where any society is entitled in equity to any hereditaments of copyhold or customary tenure, either absolutely or by way of mortgage or security, the lord of the manor of which the same are held shall from time to time, if the society so require, admit such persons (not to exceed three) as such society appoints, to be trustees on its behalf, as tenants in respect of such hereditaments, on payment of the usual fines, fees, and other dues payable on the admission of a single tenant, or may admit the society as tenant in respect of the same on payment of such special fine or compensation, in lieu of fine and fees, as may be agreed upon between such lord and the society. As to copyholds.

(4.) A society may, if its rules so allow, invest any part of its capital in the shares or on the security of any other society registered under this Act or under the Building Societies Acts, or of any company registered under the Companies Acts or incorporated by Act of Parliament or by charter, provided that no such investment be made in the shares of any society or company other than one with limited liability, and a society so investing may make such investment in its registered name and shall be deemed to be a person within the meaning of the Companies Acts, 1862 and 1867, and the Building Societies Act, 1874, and any investment made before the passing of this Act which would have been valid if this Act had been then in force is hereby made valid and confirmed. Investments.

(5.) Any other body corporate may, if its regulations permit, hold shares by its corporate name in a society. Other corporate bodies.

(6.) In the rules or any schedule thereto may be set forth the forms of conveyance, surrender, admittance, mortgage, transfer, agreement, bond, or other instrument necessary for carrying the purposes of the society into effect. Forms.

(7.) The profits of the society may be applied to any lawful purpose. Application of profits.

(8.) A receipt under the hands of two members of the committee of the society, countersigned by the secretary, in the form contained Discharge of mortgages by receipt endorsed.

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notice of such trusts, and the commissioners shall not be bound to see to the application of the money paid upon such receipt:

Commencement and payment of annuities.

(M.) The annuities shall be computed from such day in each year as may be agreed upon between the commissioners and the company, and shall be paid at the office of the commissioners or their treasurer in the burgh from which they were issued in net money, clear of all deductions whatsoever (except income or property tax, or other tax in the nature thereof legally chargeable thereon):

Power to redeem annuities by agreement.

(N.) The commissioners may from time to time, by agreement with any annuitant, purchase or redeem all or any of his annuities; and when any annuity is so redeemed, the commissioners shall take a transfer of such annuity which shall set forth the price paid, and an entry of the redemption thereof shall be made in the register of the Burgh's Gas Annuities, and thereupon the redeemed annuity shall be wholly extinguished:

Annuities recoverable by action.

(O.) If any annuity or part of an annuity being payable be not paid on demand thereof in writing made by any annuitant or his agent to the commissioners, the annuitant may sue for and recover the same from the commissioners in the Sheriff Court, with interest at the rate of five pounds per centum per annum till paid, and expenses:

Annuitants to be preferential creditors for annuities.

(P.) The annuitants shall be creditors of the commissioners for payment of the annuities respectively herein-before directed to be paid to them, and of the interest thereon and expenses incident thereto; and the said annuities, and the interest on moneys authorised to be borrowed under the authority of this Act, are hereby constituted primary and preferential burdens and liens on the rates and charges leviable by and on the other revenues of the commissioners under this Act.

Actions not to abate.

24. No action, suit, prosecution, or other proceeding whatsoever commenced either by or against the company in relation to the undertaking of the company to be vested in the commissioners as aforesaid previous to such vesting taking place, shall abate or be discontinued or be prejudicially affected thereby, but all such actions, suits, prosecutions, and other proceedings shall continue and take effect, either in favour of or against the commissioners, in such and the like manner as the same would have continued and taken effect in relation to the company if such vesting in the commissioners had not taken place.

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in the third schedule to this Act, or in any form specified by the rules of the society or any schedule thereto, for all moneys secured to the society by any mortgage or other assurance endorsed upon or annexed to such mortgage or other assurance, shall vacate the same, and vest the property therein comprised in the person entitled to the equity of redemption of the same, without reconveyance or resurrender; but this provision shall not apply to Scotland or to the Island of Jersey.

Registration of receipt.

(9.) If such mortgage or other assurance has been registered under any Act for the registration or record of deeds or titles, or is of copyholds or lands of customary tenure and entered on any court rolls, the registrar under such Act, or recording officer, or steward of the manor, or keeper of the register, shall on production of such receipt, verified by oath of any person, enter satisfaction on the register or on the court rolls respectively of such mortgage or of the charge made by such assurance, and shall grant a certificate, either upon such mortgage or assurance or separately to the like effect, which certificate shall be received in evidence in all courts and proceedings without further proof, and such registrar, recording officer, steward, or keeper of the register shall be entitled to a fee of two shillings and sixpence for making the said entry and granting the said certificate, and such fee shall in Ireland be paid by stamps, and applied as the other fees of the Registry of Deeds Office and Record of Title Office are by law directed to be paid and applied.

Punishment of fraud or misappropriation.

(10.) If any person obtains possession by false representation or imposition of any property of a society, or having the same in his possession withholds or misapplies the same, or wilfully applies any part thereof to purposes other than those expressed or directed in the rules of the society and authorised by this Act, he shall, on the complaint of the society, or of any member authorised by the society, or the committee thereof, or by the central office, or of the chief registrar or any assistant registrar by his authority, be liable on summary conviction to a penalty not exceeding twenty pounds with costs not exceeding twenty shillings, and to be ordered to deliver up all such property or to repay all moneys applied improperly, and in default of such delivery or repayment, or of the payment of such penalty and costs aforesaid, to be imprisoned, with or without hard labour, for any time not exceeding three months; but nothing herein contained shall prevent any such person from being proceeded against by way of indictment, if not previously convicted of the same offence under the provisions of this Act.

25. From and after the date when the commissioners shall become vested with the undertaking of any company under the provisions of this Act, the company shall cease to manufacture, sell, and supply gas.

Company to cease to supply gas.

26. From and after the date when the Commissioners shall become vested with the undertaking of any company, the company shall subsist only for the purpose of securing the annuity certificates being granted to the shareholders for their respective annuities as herein-before provided, for winding up the affairs of the company, and carrying into effect the purposes of this Act, so far as relating to the company; and the directors of the company in office at the date of such vesting, and the survivors of them, shall continue without re-election to hold office, and shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned, and on the fulfilment of the said purposes the company shall be dissolved.

Ultimate dissolution of company.

V.—*Borrowing Powers of Commissioners.*

27. It shall be lawful for the commissioners to borrow on mortgage any money which may be necessary for the purchase or erection of gasworks for the burgh, and to grant mortgages of any rates or charges leviable by them under the provisions of this Act, in security of the payment of the money so borrowed and interest thereon; and if, after having borrowed any sum of money, the commissioners pay off the same otherwise than by a sinking fund, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Power to borrow on mortgage.

28. Every mortgage to be granted by the commissioners shall be by deed duly stamped, in which the consideration shall be truly stated, and may be in the form of the Schedule (C.) to this Act annexed.

Form of mortgage.

29. It shall be lawful for the commissioners to issue along with any such mortgage, and during the period of any postponement of the term of payment thereof, interest warrants in the form of the Schedule (D.) to this Act annexed, or to the like effect, signed by the treasurer, for the periodical payment of the interest to become due on the principal sums thereby secured during the period for which such mortgage is intended to subsist; and the delivery to the commissioners or their treasurer, or to any person on their behalf, of any such interest warrant, duly stamped as a receipt, shall be a

Mortgages may be accompanied with interest warrants.

13. With respect to officers of registered societies having receipt or charge of money, the following provisions shall have effect:

Officers in receipt or charge of money.

(1.) Every officer, if the rules of the society require, shall, before taking upon himself the execution of his office, become bound, either with or without a surety as the committee require, in a bond according to one of the forms set forth in the third schedule to this Act, or such other form as the committee of the society approve, or give the security of a guarantee society, in such sum as the committee directs, conditioned for his rendering a just and true account of all moneys received and paid by him on account of the society at such times as its rules appoint, or as the society or the committee thereof require him to do, and for the payment by him of all sums due from him to the society.

Security to be given.

(2.) Every officer, his executors or administrators, shall, at such times as by the rules of the society he should render account, or upon demand made, or notice in writing given or left at his last or usual place of residence, give in his account as may be required by the society, or by the committee thereof, to be examined and allowed or disallowed by them, and shall, on the like demand or notice, pay over all moneys and deliver all property for the time being in his hands or custody to such person as the society or the committee appoint; and in case of any neglect or refusal to deliver such account, or to pay over such moneys or to deliver such property in manner aforesaid, the society may sue upon the bond or security before mentioned, or may apply to the county court (which may proceed in a summary way), or to a court of summary jurisdiction, and the order of either such court shall be final and conclusive.

Accounts of officers.

14. With respect to disputes concerning registered societies the following provisions shall have effect:

Disputes.

(1.) Every dispute between a member or person claiming through a member or under the rules of a registered society, and the society or an officer thereof, shall be decided in manner directed by the rules of the society, if they contain any such direction, and the decision so made shall be binding and conclusive on all parties without appeal, and shall not be removable into any court of law or restrainable by injunction; and application for the enforcement thereof may be made to the county court.

To be decided by rules of society.

(2.) The parties to a dispute in a society may, by consent (unless the rules of such society expressly forbid it), refer such dispute to the chief registrar, or to the assistant registrar in Scotland or Ireland, who shall, with the consent of the Treasury, either by

May be referred to chief registrar.

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valid and sufficient discharge to the commissioners for the interest in respect of which the same was issued.

Commissioners may borrow on credit of a cash account.

30. It shall be lawful for the commissioners to take from any banking company credit on a cash account, to be opened and kept with such banking company in the name of the commissioners, according to the usage of bankers in Scotland, to the extent required as aforesaid, and to make and grant mortgages of any rates or charges leviable by them under the authority of this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon.

Manner in which mortgages and orders on bank account to be signed and executed.

31. Every mortgage to be granted by the commissioners may be written or partly written and partly printed, and shall be signed by at least two of the commissioners and the treasurer; and all drafts or orders on the cash account before mentioned shall be signed by any two of the commissioners authorised so to do, and shall be countersigned by the treasurer: Provided always, that no commissioner or treasurer shall, by his subscription of any such mortgage, draft, or order, be, or be held to have rendered himself, individually or personally liable for the payment of any money so borrowed, drawn, or received, or any interest thereon, or of any sums whatsoever in respect thereof.

Arrears may be enforced by appointment of a judicial factor.

32. It shall be lawful for any of the following persons to apply by summary petition to the Court of Session in either division thereof, or in the time of vacation to the Lord Ordinary on the bills, for the appointment of a judicial factor to manage the undertaking of the commissioners, with the powers after mentioned, and for such court or Lord Ordinary to appoint a judicial factor accordingly; that is to say,

1. Any annuitant or mortgagee having an annuity or interest on a mortgage in arrear to the amount of not less than one hundred pounds; or
2. Any mortgagee with principal or principal and interest in arrear to the amount of not less than five hundred pounds; or
3. Any annuitants or mortgagees having annuities, or interest on mortgages in arrear to the amount of not less than two hundred pounds in the aggregate; or
4. Any mortgagees with principal or principal and interest in arrear to the amount of not less than one thousand pounds in the aggregate.

Provided—

(*a.*) The arrear shall have existed for two months; and

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himself or by any other registrar, hear and determine such dispute, and shall have power to order the expenses of determining the same to be paid either out of the funds of the society or by such parties to the dispute as he shall think fit, and such determination and order shall have the same effect and be enforceable in like manner as a decision made in the manner directed by the rules of the society.

Chief registrar may administer oaths, &c.

(3.) The chief or other registrar to whom any dispute is referred may administer oaths, and may require the attendance of all parties concerned and of witnesses, and the production of all books and documents relating to the matter in question; and any person refusing to attend, or to produce any documents, or to give evidence before such chief or other registrar, shall be guilty of an offence under this Act.

Reference to justices.

(4.) Where the rules of a society direct that disputes shall be referred to justices, the dispute shall be determined by a court of summary jurisdiction:

Provided that in every case of dispute cognisable under the rules of a society by a court of summary jurisdiction, it shall be lawful for the parties thereto to enter into a consent referring such dispute to the county court, which may hear and determine the matter in dispute.

Application to county courts, &c.

(5.) Where the rules contain no direction as to disputes, or where no decision is made on a dispute within forty days after application to the society for a reference under its rules, the member or person aggrieved may apply either to the county court, or to a court of summary jurisdiction, which may hear and determine the matter in dispute.

Case for opinion of Supreme Court, &c.

(6.) The court, chief or other registrar, may, at the request of either party, state a case for the opinion in England of the Supreme Court of Judicature, in Scotland of either division of the Inner House of the Court of Session, or in Ireland of one of the superior courts of common law at Dublin, on any question of law, and may also grant to either party such discovery as to documents and otherwise, or such inspection of documents, and in Scotland may grant warrant for the recovery of documents and examination of havers, as might be granted by any court of law or equity, such discovery to be made on behalf of the society by such officer of the same as such court or registrar may determine.

Special powers of registrars to be exercised on application from members.

15. With respect to the inspection of the affairs of registered societies, the following provisions shall have effect:

(1.) Upon the application of one fifth of the whole number of members of a registered society, or of one hundred members in the

(*b.*) The arrear shall have existed for twenty-one days after a demand for payment made in writing; and

(*c.*) The arrear with interest and expenses shall not have been paid before the application is advised.

An interlocutor pronounced under this section appointing a judicial factor shall not be subject to review or appeal.

Power and duties of judicial factor.

33. A judicial factor appointed under the preceding section shall, on finding security in common form, have and exercise all the powers and rights and be subject to all the obligations of the commissioners whose undertaking he is appointed to manage, and the judicial factory shall continue till all arrears, whether of principal, annuities, or interest, due at the date of his appointment, and all such arrears subsequently arising, and all the expenses of the factory, including the expenses of the appointment, shall be paid, whereupon it shall be lawful for the commissioners to apply for the recall of the appointment of the judicial factor to the Court of Session in either division thereof, or in time of vacation to the Lord Ordinary on the bills, who may recall such appointment accordingly.

Mortgages to be personal estate.

34. All mortgages to be granted by the commissioners under the authority of this Act, and all money to be advanced and lent on the security of any rates or charges leviable by them, shall be movable or personal estate, and transmissible as such.

Discharge of mortgages.

35. Any person entitled to any mortgage granted by the commissioners under the authority of this Act may discharge the same, and his right and interest therein, in favour of the commissioners; and every such discharge may be written, or partly written and partly printed, on the mortgage, and may be according to the form contained in the Schedule (E.) to this Act, or to the like effect; and such discharge, when signed by the person entitled to such mortgage and duly stamped, shall be valid and effectual to all intents and purposes.

Providing for regular payment of annuities.

36. The commissioners may from time to time apply any moneys borrowed under the authority of this Act with a view to the regular payment of annuities as they fall due; provided that they shall as soon as may be replace any moneys so applied out of any rates or charges which they are empowered to impose and levy under this Act.

Application of money borrowed.

37. The several sums borrowed by the commissioners under the authority of this Act shall be applied in the payment of the mortgage and other debts of the company, and in carrying the other

case of a society of one thousand members and not exceeding ten thousand, or of five hundred members in the case of a society of more than ten thousand members, the chief registrar, or, in the case of societies registered and doing business exclusively in Scotland or Ireland, the assistant registrar for Scotland or Ireland respectively, but, with the consent of the Treasury in every case, may— A.D. 1876.

Inspectors.

(*a.*) Appoint one or more inspectors to examine into the affairs of such society, and to report thereon, who may require the production of all or any of the books and documents of the society, and may examine on oath its officers, members, agents, and servants in relation to its business, and may administer such oath accordingly:

Special meetings.

(*b.*) Call a special meeting of the society in such manner and at such time and place as the chief registrar, or such assistant registrar, may direct, and may direct what matters shall be discussed and determined on at such meeting, which shall have all the powers of a meeting called according to the rules of the society, and shall in all cases have power to appoint its own chairman, any rule of the society to the contrary notwithstanding.

Application to be supported by evidence.

(2.) The application herein mentioned shall be supported by such evidence, for the purpose of showing that the applicants have good reason for requiring such inspection to be made or meeting to be called, and that they are not actuated by malicious motives in their application, and such notice thereof shall be given to the society, as the chief registrar shall direct.

Security for costs.

(3.) The chief registrar or such assistant registrar may, if he think fit, require the applicants to give security for the costs of the proposed inspection or meeting, before appointing any inspector or calling such meeting.

Expenses.

(4.) All expenses of and incidental to any such inspection or meeting shall be defrayed either by the members applying for the same, or out of the funds of the society, as the chief registrar or such assistant registrar shall direct.

Special resolutions, and proceedings which may be taken thereon.

16. With respect to special resolutions by registered societies, and to the proceedings which may be taken by virtue thereof, the following provisions shall have effect:

Special resolutions.

(1.) A special resolution is one which is passed by a majority of not less than three fourths of such members of a society for the time being entitled under the rules to vote as may be present in person or by proxy (where the rules allow proxies) at any general meeting of which notice specifying the intention to propose such resolutions has been duly given according to the rules, and which

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purposes of this Act into execution; but the commissioners shall not apply any of the money so borrowed to the maintenance of the works acquired or to be constructed by them, or to the expenses of management, or to any other expenses properly payable out of revenue.

Guarantee rate.

38. It shall be lawful for the commissioners and they are hereby required from time to time to fix, impose, and levy such a rate, to be termed "The Gas Contingent Guarantee Rate," as may be required to pay any annuities and any interest due thereon, and the interest of money borrowed or to be borrowed under the provisions and for the purposes of this Act.

Assessment and levy of rate.

39. The gas contingent guarantee rate shall be imposed, levied, and collected on property situated within the burgh, on the requisition of the commissioners, by the authority in the burgh empowered by law to levy any assessment for police purposes therein, along with and in the same manner in all respects and from the same descriptions of persons and property as such assessment for police purposes; and the amount of such rate, when imposed, levied, and collected by such authority, shall be paid over to the commissioners for the purposes of this Act. All the powers, enactments, and provisions of law in force for the time with respect to the levying, payment, and recovery of assessments for police purposes within the burgh shall apply to the levying, payment, and recovery of the gas contingent guarantee rate by this Act authorised to be raised.

Sinking fund.

40. The commissioners shall, in every year after the second year from their commencing to supply gas, set apart as a sinking fund a sum of not less than one-fortieth part of the sums borrowed, until such sums be respectively repaid, and such sinking fund shall from time to time be applicable to the redemption of mortgages and annuities, and to no other purpose, and shall be lodged in any bank in Scotland incorporated by Act of Parliament or Royal Charter, or invested in Government or on heritable securities, in the name of "(*name of burgh*) Gas Commissioners," at the discretion of the commissioners, until the same be applied for the purposes before specified.

VI.—*General Provisions.*

Commissioners to fix rates for gas.

41. The commissioners shall from time to time fix the price to be paid for gas to be supplied during any succeeding year or half year, and until such price be altered by the commissioners the price so fixed shall remain in force, provided that the price shall be such as will, as nearly as can be estimated, raise sufficient income to discharge all the costs and expenses of and incident to the manu-

facture and distribution of the gas made, together with the interest on all money borrowed in respect of the works, and to provide the sinking fund required by this Act, and to provide for a depreciation and renewal fund sufficient to maintain the works in perpetuity and for all charges incident to the occupation of such works, and the moneys received in respect of and incident to the manufacture and distribution of gas shall be applied to such purposes only, and any balance at the termination of any year shall be carried to the debit or credit of the succeeding year: Provided also, that the prices charged shall be the same to all consumers under like circumstances, and the revenue of the gas works shall be credited with an amount for the gas consumed for public purposes, calculated at the rates charged to private consumers, which amount shall be a charge upon the rates leviable for public lighting.

Commissioners may contract to light adjoining burghs.

42. The commissioners may contract with any local authority adjacent to the burgh to supply gas within their respective limits, provided that there is no town council nor commissioners of police nor any gas company entitled (at the date of the passing of this Act) to supply gas within such limits.

Supply of adjacent districts.

43. The commissioners may supply gas to any district adjacent to the burgh not being at the time of the adoption of this Act within the area of supply of any incorporated company, or company authorised by Provisional Order confirmed by Act of Parliament, town council, or other commissioners.

Dispensing with notice as to interference with streets.

44. It shall not be necessary for the commissioners, before they proceed to break up for the purposes of this Act any street under the control of the commissioners, to give any notice of their intention so to do.

Obligation on commissioners as to supply of gas.

45. The commissioners shall, on the request in writing of the owner or occupier of any building or part of a building within one hundred yards of which any main of the commissioners is laid, furnish to such owner or occupier a supply of gas for such building or part of a building on the following conditions; viz.,

First. That the person making such request do, if required by the commissioners, give to them, at his own expense, reasonable security for payment for the gas to be supplied;

Secondly. That such person do pay the cost of and the expenses of laying all necessary pipes for such supply beyond the line of street or road where the main of the commissioners is placed;

Thirdly. That such person do, if required by the commissioners, pay in advance the estimated amount of such cost and expenses;

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and any dispute as to any matter arising under the present section shall be settled, upon the application of either party, by the sheriff, whose decision thereof shall be final: Provided that if the commissioners neglect or refuse to furnish a supply of gas to such owner or occupier, who has fulfilled or is ready to fulfil the conditions hereinbefore mentioned, they shall be liable to a penalty not exceeding forty shillings for each day during which such default continues.

Gas pipes may be put in buildings.

46. Subject to the provisions contained in this Act, and the Acts partially incorporated herewith, the commissioners may lay any pipe, branch, or other necessary apparatus, with the consent of the owner and occupier of any building, for the purpose of lighting the same or any adjoining building, and may, with the like consent, provide and set up any apparatus necessary for securing to any building a proper and sufficient supply of gas, and for measuring and ascertaining the extent of such supply.

Gas to be consumed by meter.

47. Every consumer of gas supplied by the commissioners shall consume the gas by meter; and every meter measuring the consumption of gas, whether such meter is provided by the consumer or the commissioners, shall be subject to the inspection and approval of the officers and servants of the commissioners.

Power to enter buildings to inspect meters &c., and for ascertaining quantities of gas consumed.

48. Any officer appointed by the commissioners may at all reasonable times enter any building or land lighted with gas supplied by the commissioners, in order to inspect the meters, fittings, and works for the supply of gas, and for the purpose of ascertaining the quantity of gas consumed or supplied; and if any person hinder such officer as aforesaid from entering and making such inspection as aforesaid at any reasonable time, he shall for every such offence forfeit to the commissioners a sum not exceeding five pounds.

Notice to commissioners putting up or removing meters.

49. Before any person shall connect or disconnect any meter through which gas supplied by the commissioners is intended to be or has been registered, he shall give not less than twenty-four hours notice in writing to the commissioners of his intention to do so, and any person offending against this enactment shall forfeit and pay to the commissioners a sum not exceeding forty shillings.

Repair of meters.

50. Every consumer of gas supplied by the commissioners shall at all times, at his own expense, keep all meters whereby the consumption of such gas is registered in proper order for correctly registering such consumption, in default whereof the commissioners may cease to supply gas through such meters; and the commissioners shall at all reasonable times have access to and be at liberty to take off, remove, test, inspect, and replace any meter

at their own expense if the meter be found in proper order, bu otherwise at the expense of the consumer. A.D. 1876.

51. The commissioners may let for hire any meter and any fittings thereto, on such terms with respect to the repair of such meter and fittings, and for securing the safety and return of the same to the commissioners, as may be agreed upon between the hirer and the commissioners, and such hire shall be recoverable in the same manner as moneys due to the commissioners for gas; and such meters and fittings shall not be subject to any diligence at the instance of the landlord for rent of the premises where the same may be used, nor to be taken in execution under any process of a court of law, or any proceedings in bankruptcy against the persons in whose possession the same may be. Power to commissioners to let meters

52. The register of the meter shall be primâ facie evidence of the quantity of gas consumed. Register of meter to be primâ facie evidence.

53. It shall be lawful for the commissioners, after twenty-four hours notice in writing under the hand of the manager of their works or some other one of their officers to the occupier, or if unoccupied, then to the owner or lessee or the person in charge or reputed to be in charge of any land, house, or building in which any pipes, mains, meters, or fittings belonging to the commissioners are laid or fixed, and through or in which the supply of gas shall, from any cause other than the neglect or default of the commissioners, be discontinued, to enter such land, house, or building between the hours of nine in the morning and six in the afternoon, for the purpose of removing, and to remove, such pipes, meters, or fittings, repairing all damages caused by such entry or removal; and every such notice shall be served by being delivered to the person for whom it is intended, or left at his usual or last known place of abode, or, if such person or his address be not known, then by being affixed on some conspicuous part of such land, house, or building. Power to remove meters and fittings.

54. Every person who shall wilfully, fraudulently, or by culpable negligence injure or suffer to be injured any meter or fittings belonging to the commissioners, or shall fraudulently alter or prevent the index to any meter from duly registering the quantity of gas supplied, shall, without prejudice to any other right or remedy for the protection of the commissioners or the punishment of the offender, for every such offence forfeit and pay to the commissioners a sum not exceeding five pounds, and the commissioners may in addition thereto recover the amount of any damages Fraudulently injuring meters, &c.

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by them sustained, and the commissioners may, notwithstanding any contract previously existing, discontinue the supply of gas to the person so offending until the injury is remedied and the amount of the damages is paid.

For preventing wilful waste of gas.

55. If and whenever any person supplied with gas by the commissioners wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of the waste, misuse, or undue consumption of gas supplied by the commissioners, the commissioners may cut off or stop any pipe by or through which gas is supplied to him, and cease to supply him with gas so long as the cause of injury remains or is not remedied, and also may recover, in any court of competent jurisdiction, from every person so offending, the amount of all loss, damage, or injury which the commissioners may sustain by reason of any such thing or failure; and the remedies of the commissioners under this enactment shall be in addition to their other remedies in that behalf.

Pressure of gas.

56. All the gas supplied by the commissioners to any consumer of gas shall be supplied at such pressure as to balance a column of water from midnight to sunset not less than six tenths of an inch, and from sunset to midnight not less than eight tenths of an inch in height at the main, as near as may be to the junction therewith of the service pipe supplying such consumer; and any person appointed for the purpose by the sheriff may, subject to the terms of his appointment, from time to time test the pressure at which the gas is supplied, and may for that purpose open any street, road, passage, or place vested in or under the control of any road authority, and the provisions of this Act with reference to the testing of the illuminating power and purity of gas, and to penalties, shall, mutatis mutandis, apply to such testing of pressure.

Quality of gas.

57. All the gas supplied by the commissioners shall be at least of such quality as to produce from a union jet or other burner approved by the Board of Trade, capable of consuming five cubic feet of gas per hour under a pressure equal to a column of water five tenths of an inch in height, a light equal in intensity to the light produced by fourteen sperm candles of six in the pound burning one hundred and twenty grains per hour.

Commissioners to maintain apparatus to test illuminating power of gas.

58. The commissioners shall, within six months after they begin to supply gas, provide in some convenient part of their works an experimental meter furnished with a union jet or other burner approved by the Board of Trade, capable of consuming five cubic

feet of gas per hour, with other necessary apparatus for testing the illuminating power of the gas, and for testing the presence of sulphuretted hydrogen therein, in accordance with the regulations prescribed in Part I. of the Schedule A. annexed to the Gasworks Clauses Act, 1871, and so situate and arranged as to test all the gas supplied by the commissioners, and shall at all times thereafter keep and maintain such experimental meter and apparatus in good repair and working order.

Provision for testing quality of gas.

59. Any five consumers of gas may, by order in writing, appoint some competent person, not being one of themselves, to proceed to the works of the commissioners; and the person so appointed may, at any reasonable hour in the daytime, on producing the said order, enter on the premises of the commissioners, and in the presence of the superintendent or other officer of the commissioners make experiment of the illuminating power and purity of the gas by means of the experimental meter and other apparatus by this Act directed to be provided in accordance with the rules prescribed in Part II. of the Schedule A. annexed to the Gasworks Clauses Act, 1871; and the commissioners and their officers shall afford all reasonable facilities and assistance for making such experiment; and if it shall be proved to the satisfaction of the sheriff, after hearing the parties, that the illuminating power or purity of the gas supplied by the commissioners did not, when so tested as aforesaid, equal the illuminating power or purity by this and the recited Act prescribed, or that the commissioners or their officers refused to afford such reasonable facilities as aforesaid, or hindered or prevented the making of such experiment, the commissioners shall in any such case be liable in such a penalty, not exceeding twenty pounds, as the sheriff shall determine.

Costs of experiment to be paid according to the event.

60. The costs of such experiment, including the remuneration to be paid to the person making the same, and the costs of the proceedings before the sheriff, shall be ascertained by the sheriff, and, in the event of any penalty being imposed on the commissioners, shall be paid, together with such penalty, by the commissioners, but in the event of no penalty being so imposed, such costs shall be paid to the commissioners by the persons complaining.

Recovery of sums owing to commissioners.

61. Where any person fails to pay any gas rent or any rate or any sum whatever due under this Act to the commissioners, the commissioners may recover the same, with costs, including the costs of cutting off the gas, if the same shall have been cut off by the commissioners, by proceedings in any court of competent jurisdiction,

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and their remedies under this enactment shall be in addition to their other remedies for the recovery thereof.

Contents of summons or warrant.

62. Any summons or warrant issued for any of the purposes of this Act may contain, in the body thereof or in a schedule thereto, several names and several sums.

Recovery of penalties.

63. All penalties under this Act and under the Acts partially incorporated with this Act may be recovered before the sheriff, under the provisions of the Summary Procedure Act, 1864, at the instance of any person injured by fault of the commissioners when the penalty is exigible from the commissioners, otherwise at the instance of the clerk of the commissioners.

SCHEDULES.

SCHEDULE (A.)

Form of Annuity Certificate.

No.

This is to certify that *A.B.* [*name and designation*] is entitled to receive from the Gas Commissioners of [*insert name of the burgh*] an annuity of pounds, payable on the first day of [*insert date for payment*] in each year, beginning the first payment thereof on the first day of [*insert date*], and so forth for the period of forty years thereafter, and which annuity is preferably secured on the several rates and revenues to be levied and received by the said commissioners under "The Burghs Gas Supply (Scotland) Act, 1876."

Dated this day of one thousand eight hundred and

[*Signed by two commissioners and treasurer.*]

SCHEDULE (B.)

Form of Transfer of Annuity Certificate.

I, *A.B.* [*name and designation*], in consideration of the sum of pounds [*or other consideration, as the case may be,*] paid to me by *C.D.* [*name and designation*], do hereby transfer to the said *C.D.*, and his executors, administrators, or assignees, the annuity of pounds secured by annuity certificate No. [*as the case may be*] of "The [*insert the name of burgh*] Gas Annuities," created under and by virtue of "The Burghs Gas Supply (Scotland) Act, 1876," now standing in my name in the books of the Gas Commissioners of [*insert name of burgh*], with the rights and privileges and subject to the conditions and provisions specified in the said Act. And I the said *C.D.* do hereby agree to hold the said annuity subject to the same conditions and provisions. In witness whereof [*insert testing clause according to the form of the law of Scotland*].

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SCHEDULE (C.)

Form of Mortgage.

Mortgage No.

By virtue of "The Burghs Gas Supply (Scotland) Act, 1876," we, the Gas Commissioners acting under the authority of the said Act for the burgh of [*insert the name of the burgh*], in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] to the treasurer to the said commissioners for the purposes of the said Act, do hereby grant, convey, and assign to the said [*name of mortgagee*], and his executors, administrators, and assignees [*as the case may be*], the rates and charges to be levied by the said commissioners, under the authority of the said Act, to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied; and it is hereby stipulated that the said principal sum shall be repayable on the [*date*], or shall thereafter in virtue hereof remain as a loan to the said commissioners, for the purposes aforesaid, until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be endorsed hereon, and signed by the said mortgagee or his foresaids and by the treasurer to the said commissioners, and which minute or minutes are hereby declared and shall be held to be valid and binding, though they may be neither holograph of said mortgagee or his aforesaids, or of the said treasurer, nor tested; and for and in respect of interest on the said principal sum to the said date of repayment first above mentioned (being at the rate of [*specify rate*] per centum per annum), the said commissioners shall pay the several sums contained in the [*state number*] interest warrants bearing the number and date hereof, and delivered herewith, and that at the several times mentioned in such warrants, upon delivery of the same respectively, and such delivery shall be a sufficient receipt and discharge to the said commissioners for the contents of such warrants, declaring that the said mortgagee and his foresaids shall not be entitled to make, and that the said commissioners shall not be bound to recognize or register, any partial assignation of these presents, or of the sums of money, principal or interest, herein contained; and that the said commissioners shall not be liable for any expenses that may be incurred by the said mortgagee or his

foresaids for or in relation to the preparation, revision, adjustment, or execution of this mortgage, or of any discharge, renunciation, release, assignation, or minute of postponement or renewal thereof. In witness whereof [*testing clause according to law of Scotland*]. A.D. 1876.

[*Signed by two commissioners and treasurer.*]

SCHEDULE (D.)

Form of Interest Warrant.

[*Name of burgh*] Gas.

Mortgage No. , dated 18 .

Interest Warrant—

			£	s.	d.
For	pounds	shillings			
and	pence - - - -				
	Less income tax - - -				
		£			

Payable on eighteen hundred and ,
at the

Treasurer.

SCHEDULE (E.)

Form of Discharge.

[*Name of burgh*] Gas.

Received from the treasurer to the Gas Commissioners acting under "The Burghs Gas Supply (Scotland) Act, 1876," on their behalf, the sum of , being the principal sum contained in the within mortgage (all interest due thereon having been paid), and the said mortgage is now delivered up as paid.

Dated this day of eighteen hundred and .

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876

CHAPTER 50.

An Act to amend the Law for the Relief of the Poor in Ireland in respect to rating and chargeability on Poor Law Unions. [11th August 1876.]

A.D. 1876.

WHEREAS under the provisions of the Act passed in the session of Parliament held in the first and second years of the reign of Her present Majesty, intituled "An Act for the more "effectual Relief of the destitute Poor in Ireland," and of the several Acts altering, amending, or affecting the same (in this Act referred to as "the Poor Law Acts"), it is provided that the board of guardians of every union should cause accounts to be kept of the expense incurred in respect of the persons relieved in any workhouse within such union (in this Act referred to as "indoor relief expenses"), and that such accounts should be made up at the end of every six calendar months; and that the board of guardians should charge against each electoral division at the end of such period the proportion of indoor relief expenses which should appear to have been incurred in respect of every person so relieved who shall be chargeable to such electoral division; and that in making any rate necessary for defraying the expenses incurred in the execution of the said Acts, the guardians of every union should have due regard to the amount which shall, in manner aforesaid, have been ascertained to be chargeable upon any electoral division in respect of its proportion of the indoor relief expenses during the period to which the last account of such expenses shall extend:

And whereas it is expedient to amend the Poor Law Acts, so far as they relate to chargeability and rating, in the manner by this Act provided:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and

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Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as The Poor Law Rating (Ireland) Act, 1876.

Construction.

2. The Poor Law Acts as amended by this Act and this Act shall be construed together.

As to charging expense of relief to electoral divisions.

3. For the purpose of charging the expense of relief to any electoral division, every person making application for relief after the passing of this Act shall be deemed to have been resident in such electoral division in which, during the period of five years next before his application for relief, he shall have been longest usually resident, whether by occupying any tenement situate, or by usually sleeping within such electoral division: Provided always, that where any such person shall not have occupied a tenement or slept within any such electoral division for at least four years in the whole during the said period of five years, the expense of the relief of such person shall in such case be borne by and charged against the whole union in which he or she is relieved: Provided also, that where any person chargeable to any electoral division shall have received relief, and shall cease to be relieved, and shall thereafter within the period of six months again begin to receive relief, such last-mentioned relief shall be charged on the electoral division to which such person was in the first instance chargeable: Provided also, that the cost for the relief of the destitute poor who shall not have resided in the union where such relief is given for the last five years next previous to receiving such relief, shall be charged and chargeable according to the provisions of an Act passed in the tenth year of Her present Majesty, intituled "An Act to make further "provision for the Relief of the destitute Poor in Ireland:" Provided also, that in estimating the time of residence in the union or electoral division residence in the workhouse shall be considered to be residence in the union, and also in the electoral division if there be any such to which the pauper during such residence shall be chargeable, but shall not be considered to be residence in the electoral division in which the workhouse is situate unless the pauper be chargeable to such division. The first section of the Act of the session of the twenty-fifth and twenty-sixth years of the reign of Her present Majesty, chapter eighty-three, shall be and the same is hereby repealed: Provided always, that when any application for relief has been made before the passing of this Act

the provisions of the said section shall, notwithstanding such repeal, continue in force and apply so far as they affect chargeability in respect of relief given or to be given to any person in the first instance in pursuance of such application as aforesaid.

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4. The expenses incurred by the guardians of any poor law union in Ireland in respect of the maintenance of any destitute poor deaf and dumb or blind person in the workhouse, and in the conveyance of any destitute poor deaf and dumb or blind person to any deaf and dumb or blind asylum, and of the maintenance therein of any such person, shall be borne by and charged against the whole union.

Expenses of deaf-and-dumb, and blind, to be charged upon union.

5. The guardians of a poor law union, when making any rate for the purpose of defraying the expenses incurred by them in the execution of the Poor Law Acts, shall have regard to the following provisions:—

Limitation of rate upon electoral divisions in certain cases.

The sum to be charged upon any electoral division in each half year in respect of its proportion of the indoor relief expenses under the Poor Law Acts as amended by this Act shall in no case exceed the amount which would be raised by a poundage rate, limited in manner herein-after prescribed, upon all the hereditaments rated to the relief of the poor in such electoral division; and any further moneys necessary to make up the amount chargeable against such electoral division in respect of such indoor relief expenses shall be borne by and be charged against the whole union:

Such poundage rate, in the case of any electoral division forming part of a union in which the average union rate does not exceed fourpence, shall not exceed sixpence, and in the case of any electoral division forming part of a union in which the average union rate does exceed fourpence shall not exceed the average union rate together with one half of such average union rate:

The term "average union rate" in this section shall at the time of the making of any rate be taken to mean the poundage rate upon the several hereditaments rated to the relief of the poor in such union which would be necessary for raising the amount then required to defray the indoor relief expenses chargeable against the several electoral divisions constituting such union, if the same, instead of being so chargeable as aforesaid, were charged against the whole union.

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Local Government Board to prescribe mode of carrying Act into effect.

6. For the purpose of carrying this Act into effect, the books and accounts of the several poor law unions in Ireland shall be kept, and all other necessary acts shall be done by the guardians of the several poor law unions and their officers, in such manner and form in all respects as the Local Government Board shall by order from time to time prescribe.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

Cattle Disease (Ireland).

[39 & 40 Vict. Ch. 51.]

ARRANGEMENT OF CLAUSES.

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Preliminary.

Clause.
1. Short title.
2. Interpretation.
3. Construction of Act.

Orders by Lord Lieutenant and Privy Council.

4. Power to Lord Lieutenant and Privy Council to make orders.
5. Repeal of sect. 12 of "The Cattle Disease Act (Ireland), 1866."
6. Effect of order.

Proceedings of Guardians after Order.

7. Proceedings of guardians.
8. Appointment of committees.
9. Appointment of inspectors and other officers.
10. Removal of inspectors.
11. Reports to Lord Lieutenant.
12. Reservation for experimental treatment.
13. Record respecting slaughter.

Expenses.

14. Mode of payment of compensation.
15. Proceedings in case of default.

CHAPTER 51.

An Act to amend the Acts relating to Cattle Disease in Ireland. [11th August 1876.] A.D. 1876.

WHEREAS it is expedient to make further provisions to prevent the introduction into Ireland and the occurrence or spreading therein of cattle plague or rinderpest pleuro-pneumonia sheep-pox and glanders, and for such purpose to amend the Cattle Disease Act (Ireland), 1866, and the Acts amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as The Cattle Disease (Ireland) Act, 1876. Short title.

2. The term "principal Acts" in this Act shall mean the Cattle Disease (Ireland) Acts, 1866–1874; and the term "animal" in this Act shall, in addition to the meaning assigned to the same term by the principal Acts, include horse. Interpretation.

3. The principal Acts, as amended by this Act, and this Act shall be construed together as one Act. Construction of Act.

Orders by Lord Lieutenant and Privy Council.

4. In addition to the purposes for which the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, is empowered by the principal Acts to make orders, he may, with the like advice, from time to time, in case cattle plague or rinderpest pleuro-pneumonia sheep-pox or glanders shall, to his satisfaction, Power to Lord Lieutenant and Privy Council to make orders.

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be shown to exist within the area of any poor law union in Ireland, make an order for all or any of the purposes following:

For authorising and directing the board of guardians of such poor law union to provide for the compulsory slaughter and burial of animals affected with any of the said diseases, or in the case of animals that have been in contact with animals affected with cattle plague, or with any disease supposed to be cattle plague, for the compulsory slaughter and burial of such animals;

For the appointment by the board of guardians of such poor law union of inspectors and valuers for the purposes of this Act;

For defining the qualifications and powers of and regulating the duties to be performed by such inspectors and valuers respectively;

For fixing the period or periods for which such inspectors and valuers shall be appointed, and the remuneration and allowances to be paid to them respectively;

For fixing the amount of compensation to be paid in respect of animals slaughtered in pursuance of the principal Acts or this Act;

For regulating the proceedings before valuers under this Act for ascertaining the amount of compensation payable in respect of animals slaughtered in pursuance of such orders, and generally for such purposes as he may, with the like advice, think expedient for the due execution of this Act;

and the provisions of the principal Acts with respect to orders made in pursuance thereof shall, so far as they may be applicable, extend and apply to any orders made under the authority of this Act. The powers conferred by this section shall be in addition to, and not in diminution of, the powers conferred by the principal Acts upon the Lord Lieutenant and Privy Council, and no order made under the authority of this Act shall interfere with the maintenance of an efficient inspection and examination before embarkation, under the control of the Lord Lieutenant and by officers appointed by him, of animals shipped from any port in Ireland, or shall compel the board of guardians of any poor law union in which such port may be situated to defray the expenses connected with such inspection and examination out of union funds.

Repeal of s. 12 of "The Cattle Disease Act (Ireland), 1866."

5. So much of section twelve of "The Cattle Disease Act (Ireland), 1866," and of any Act extending the same, as limits the amounts to be paid by way of compensation in certain cases therein specified in respect of animals slaughtered to twenty pounds

and to twenty-five pounds respectively, shall be and the same is hereby repealed; and from and after the passing of this Act the limits of the amounts payable in the said cases respectively shall be such as may from time to time be fixed by the Lord Lieutenant, by and with the advice of the Privy Council in Ireland, at any time after the passing of this Act.

Provided always, that in the case of cattle affected with pleuro-pneumonia the amount to be paid by way of compensation may amount to but shall not be greater than three fourths of the actual value thereof immediately before being attacked by the disease, but in no case shall exceed the amount for each animal fixed for the time being by order of the Lord Lieutenant and Privy Council under this Act, and in case of such cattle being insured and the insurance receivable by the owner, no more than the difference, if any, between the three fourths of such actual value as limited by such order and the amount of insurance so receivable.

Effect of order.

6. Where any order has been made under the authority of this Act, the following provisions of this Act shall be in force and apply, and the terms "the guardians" and "the union" therein used shall be construed to mean the board of guardians for the poor law union to which such order relates and such union respectively.

Proceedings of Guardians after Order.

Proceedings of guardians.

7. The proceedings of the guardians under this Act shall, except where by this Act otherwise expressly prescribed, be regulated by the provisions of the laws for the time being in force for the relief of the poor in Ireland relating to proceedings of boards of guardians of poor law unions; and, save as aforesaid, the guardians shall, in the execution of this Act, act as guardians of such poor law union, but with the additional powers and subject to the additional duties by this Act conferred and imposed upon them.

Appointment of committees.

8. The guardians may form a committee or committees, and may delegate to any such committee all or any powers conferred on them by this Act, and they may from time to time revoke or alter any power given by them to a committee.

The guardians may appoint and designate any such committee as their executive committee for the purposes of this Act.

Such an executive committee shall have all the powers of the guardians under this Act, and may appoint a sub-committee or sub-committees, and delegate to them all or any powers of the executive committee, with or without conditions or restrictions, and from time to time revoke or alter any such delegation, and fix

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principal Act or this Act, then such Chief or Under Secretary shall, by order, direct payment to such treasurer out of the moneys for the time being in the Bank of Ireland, to the credit of the Cattle Plague Account, of the whole of the moneys certified to have been paid by way of compensation in respect of such animal.

Proceedings in case of default.

15. In case the guardians fail to comply with the terms of any order under this Act, and the Lord Lieutenant, by and with the advice of the Privy Council, shall, under the authority of the principal Acts, make any order for compulsory slaughter of animals in the union, then and in such case half the amount of the expenses incurred in carrying such order into effect (including compensation paid in respect of animals slaughtered in pursuance thereof) shall, on the order of the Chief or Under Secretary, be paid into the Bank of Ireland to the credit of the Cattle Plague account under the principal Acts by the treasurer of the union out of any moneys in his hands to the credit of the guardians, and if there shall be then no sufficient assets in his hands, out of the moneys next received by him and placed to the credit of the guardians.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 52.

An Act to amend the Law respecting the Powers and Duties vested in the Barrister appointed to certify the Rules of Savings Banks. [11th August 1876.]

A.D. 1876.

WHEREAS under the Act relating to savings banks the Commissioners for the Reduction of the National Debt are authorised to appoint a barrister to certify the rules of savings banks, and by the said Act and the Acts relating to Post Office Savings Banks, and to the National Debt Commissioners, certain powers and duties are vested in the said barrister, and it is expedient to make further provision respecting such powers and duties:

26 & 27 Vict. c. 87. s. 66.

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Savings Bank (Barrister) Act, 1876.

Short title.

2. The powers and duties vested by the Acts relating to savings banks, Post Office saving banks, and the Commissioners for the Reduction of the National Debt, in the barrister appointed to certify the rules of savings banks shall be transferred and vested as follows:

Transfer to other officers of certain savings banks.

(1.) The power of certifying rules, and alterations or amendments of rules of savings banks, and the powers and duties relating to any dispute arising between the trustees and managers of any savings bank or (in the case of a Post Office savings bank) the Postmaster General on the one hand and any depositor or person claiming through or under a depositor on the other hand, shall be transferred to and vested in the registrar as defined by the Friendly Societies Act, 1875; and

(2.) All powers and duties (other than those above in this section mentioned) shall be transferred to and vested in such

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persons as the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) from time to time appoint.

Every person to whom any power or duty of the barrister appointed to certify the rules of savings banks is transferred by this section shall, for the purpose of the exercise of such power or duty, and of the enactments relating thereto, have the same powers and authorities as and be deemed to be the barrister appointed to certify the rules of savings banks; but any such power or duty which is vested in the said registrar when exercised or performed by the assistant registrars for Scotland and Ireland shall be so exercised or performed, subject to the direction of the chief registrar in the Friendly Societies Act, 1875, mentioned.

Any person purchasing an annuity or contracting for the payment of a sum of money at his death, who is by any Act directed to be considered as a depositor in a savings bank, shall be deemed to be a depositor within the meaning of this Act.

Power to charge fee on certificate, award, &c.

3. The Treasury may, if they think fit, by warrant direct that there shall be charged upon any certificate or authority given, and any award, order, or determination made by the registrar or other person in pursuance of the powers vested in him by this Act, such reasonable fee, not exceeding in any case one pound, as may be from time to time fixed by the warrant of the Treasury.

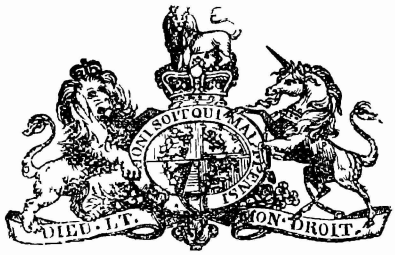
Every such fee shall be paid into the Exchequer, and shall be paid by such persons and in such manner as may be directed by the warrant.

After any such warrant is made no other fee but such as is allowed by the warrant shall be charged or taken in respect of any matter for which a fee can be charged under this section, but until any such warrant is made any fee heretofore payable shall continue payable, but shall be paid into the Exchequer.

The draft of every warrant proposed to be made by the Treasury in pursuance of this section shall be laid before both Houses of Parliament for at least forty days before the said warrant is made.

The Public Offices Fees Act, 1866, shall apply to a fee payable under this section.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.



CHAPTER 53.

An Act to make further provision respecting the Superannuation Allowance to be granted to Civil Servants serving in unhealthy Climates. [11th August 1876.]

A.D. 1876.

WHEREAS by the Superannuation Act, 1875, provision was made for the grant of special rates of pension to persons who had served in an established capacity in the permanent civil service of the State in unhealthy places, and it is expedient to make further provision for the like purpose:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; viz.,

Unhealthy Places.

Determination of places to be deemed unhealthy.

1. The Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury) may from time to time by order declare that any country or place therein named shall be deemed, and the same shall thereupon be deemed, for the purposes of the Superannuation Act, 1859, and this Act, to be an unhealthy place.

The Treasury may from time to time by order revoke or vary an order previously made under this section, but the amount of superannuation, compensation, gratuity, or other allowance to be granted to any person serving, before the date of the order of revocation or alteration in the unhealthy place affected thereby, shall be the same as if it had not been made.

Special rate of pension to person who has served in unhealthy place.

2. For the purpose of reckoning the amount of any superannuation, compensation, gratuity, or other allowance to be granted under the Superannuation Act, 1859, to a person who has served in an established capacity in the permanent civil service of the State, two years service in an unhealthy place shall be

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reckoned as service for three years, and service in an unhealthy place for any greater or less period than two years shall be reckoned in the like proportion.

Provided that nothing in this section—

(1.) Shall alter so much of section two of the Superannuation Act, 1859, as requires a service of ten years before an annual superannuation allowance can be granted; or

(2.) Shall, without the consent of the Treasury, apply to a person who was residing in an unhealthy place when he entered the permanent civil service of the State.

Supplemental.

Orders to be laid before Parliament.

3. Every order under this Act shall be laid before both Houses of Parliament in accordance with section thirteen of the Superannuation Act, 1859.

Commencement of Act.

4. This Act shall apply to persons who have retired from the public service since the seventeenth day of February one thousand eight hundred and seventy-five.

Construction and short title.

5. This Act may be cited as the Superannuation Act, 1876, and shall be construed as one with the Superannuation Act, 1859, and that Act and this Act may be cited together as the Superannuation Acts, 1859 and 1876.

Repeal.

Repeal of 38 Vict. c. 4.

6. The Superannuation Act, 1875, is hereby repealed: Provided that—

(1.) This repeal shall not affect anything duly done or suffered under the Act hereby repealed; and

(2.) Any order or warrant made in pursuance of the said Act shall have effect as if it were an order made in pursuance of this Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Bishopric of Truro.

[39 & 40 Vict. Ch. 54.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title. A.D. 1876.

Bishopric of Truro.

2. Public contributions for Truro Bishopric endowment fund.
3. Transfer of endowment from Bishopric of Exeter to Bishopric of Truro.
4. Establishment of Bishopric of Truro on provision of sufficient endowment.
5. The number of bishops sitting in Parliament not to be increased.

Supplemental Provisions.

6. Appointment of Bishop of Truro.
7. Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, officers, archdeaconries, and other incidental arrangements for constituting the Bishopric of Truro.
8. Trusts of Truro Bishopric endowment fund.
9. Validity and publication of Orders in Council.

Saving Clauses.

10. Saving as to service as incumbent or curate in transferred parishes.
11. Common fund of Commissioners not applicable to endowment.

CHAPTER 54.

An Act to provide for the Foundation of a new Bishopric out of a part of the diocese of Exeter. [11th August 1876.] A.D. 1876.

WHEREAS it is expedient to provide increased episcopal supervision for the Archdeaconry of Cornwall in the diocese of Exeter, and with a view thereto an arrangement is proposed whereby a bishopric to be called the Bishopric of Truro will be formed, to consist of the Archdeaconry of Cornwall:

And whereas the Bishop of Exeter, with a view to further such arrangement, has assented to the transfer of such portion of the endowment of his bishopric as will yield a net annual sum of eight hundred pounds:

And whereas it is expedient to provide for the carrying of the above-mentioned arrangement into effect:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Bishopric of Truro Act, 1876. Short title.

Bishopric of Truro.

2. The Ecclesiastical Commissioners for England (in this Act referred to as the Ecclesiastical Commissioners) shall receive all contributions which may be made by the public for the purposes of the endowment of the Bishopric of Truro, and carry the amount of such contributions to a fund to be called the Truro Bishopric endowment fund. Public contributions for Truro Bishopric endowment fund

3. Subject to the rights of the person who is at the passing of this Act Bishop of Exeter, there shall be transferred to the Truro Bishopric endowment fund, upon the foundation of the Bishopric of Truro in pursuance of this Act, such portion of the endowment or income of the Bishopric of Exeter as will, irrespective Transfer of endowment from Bishopric of Exeter to Bishopric of Truro.

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of tenths and first fruits, yield a net annual sum of eight hundred pounds.

Establishment of Bishopric of Truro on provision of sufficient endowment.

4. Whenever the Ecclesiastical Commissioners certify to Her Majesty under their common seal either—

(1.) That the net income of the Truro Bishopric endowment fund is not less than three thousand pounds a year; or

(2.) That the net income of the Truro Bishopric endowment fund is not less than two thousand five hundred pounds a year, and that contributions to that fund sufficient to raise the net income within five years from the date of the certificate up to three thousand pounds a year have been guaranteed to the satisfaction of the Commissioners;

Her Majesty by Order in Council may found a new Bishopric of Truro, with a diocese consisting of the Archdeaconry of Cornwall or of such part thereof as to Her Majesty may seem meet, and may assign to such bishopric as a cathedral church the parish church of St. Mary, in Truro, in the county of Cornwall, but subject to the rights of the patron and incumbent of such church, and may declare the time at which such Order founding the bishopric is to come into operation.

Her Majesty by the same or any other Order in Council may constitute the Bishop of Truro a body corporate, and may invest the bishop with all such rights, privileges, and jurisdictions as are now possessed by any other bishop in England, or such of them as to Her Majesty may seem meet, and may subject such bishop to the metropolitan jurisdiction of the Archbishop of Canterbury.

The net income of the Truro Bishopric endowment fund for the purposes of this section shall be estimated exclusive of the value of any episcopal residence which may have been provided, or any sum appropriated for the purpose of providing such episcopal residence, but inclusive of any sum which will be derived from the Bishopric of Exeter immediately upon the foundation of the Bishopric of Truro, and in such estimate no deduction shall be made from the last-mentioned sum on account of any payment for tenths or first fruits.

The number of bishops sitting in Parliament not to be increased.

5. The number of Lords Spiritual sitting and voting as Lords of Parliament shall not be increased by the foundation of the Bishopric of Truro, and whenever there is a vacancy among such Lords Spiritual by the avoidance of any of the sees of Canterbury, York, London, Durham, or Winchester, such vacancy shall be supplied by the issue of a writ of summons to the bishop acceding to the see so avoided, and if such vacancy is caused by the avoidance of any see other than one of the five sees aforesaid, such

vacancy shall be supplied by the issue of a writ of summons to that bishop of a see in England who having been longest appointed bishop of a see in England has not previously become entitled to such writ:

Provided, that where a bishop is translated from one see to another, and was at the date of his translation actually sitting as a Lord of Parliament, he shall not thereupon lose his right to receive a writ of summons to Parliament.

Supplemental Provisions.

Appointment of Bishop of Truro.

6. So long as there is not a dean and chapter of Truro, Her Majesty may appoint the Bishop of Truro by letters patent, and such letters patent shall be made in the like manner, so far as circumstances admit, and have the same effect as letters patent of Her Majesty nominating a bishop in the case of a bishopric where a dean and chapter have not proceeded to elect a bishop in accordance with the license and letters missive of Her Majesty.

From and after the foundation of such dean and chapter a vacancy in the Bishopric of Truro shall be filled in the same manner as a vacancy in any other bishopric in England.

Scheme of Ecclesiastical Commissioners approved by Order in Council as to courts, officers, archdeaconries, and other incidental arrangements for constituting the Bishopric of Truro.

7. Whenever such certificate as is in this Act mentioned has been given by the Ecclesiastical Commissioners with respect to the net income produced by the Truro Bishopric endowment fund, the Ecclesiastical Commissioners shall lay before Her Majesty a scheme for all or any of the following matters; namely,—

(1.) For assigning to the Bishop of Truro all or any such courts, officers, and jurisdiction belonging to any bishop in England, and not otherwise assigned by this Act or any Order in Council made thereunder, as it may be thought expedient to assign, and for dispensing with the confirmation or other agency of a dean and chapter in relation to any matters in which such confirmation or agency would otherwise be required, and for the custody of the spiritualities during a vacancy in the see by the Archbishop of Canterbury; and

(2.) For making such arrangements as may be thought expedient, by the creation and endowment of new archdeaconries or otherwise, for the archidiaconal supervision of the parishes affected by the foundation of the bishopric; and for transferring the archidiaconal dignity of Cornwall from the cathedral church of Exeter to the cathedral church of Truro; and

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(3.) For giving the Bishop of Truro the patronage of every ecclesiastical dignity and benefice situate in his diocese the patronage of which is, at the date of the scheme, vested in the Bishop of Exeter; and

(4.) For transferring the portion of the endowment or income of the Bishopric of Exeter directed by this Act to be transferred to the Truro Bishopric endowment fund, subject to the payment by the Bishop of Truro of a corresponding portion of the tenths and first fruits now payable by the Bishop of Exeter; and

(5.) For enabling any existing archdeacon in the diocese of Exeter to reside in any place in which he is residing at the date of the scheme, and for making such arrangements as may seem to the Ecclesiastical Commissioners requisite to preclude any officer holding office at the date of the passing of this Act from being prejudiced by this Act, or any Order in Council made thereunder; and

(6.) For founding honorary canonries in the cathedral church of Truro, with power to dispense with the consent of any dean and chapter so long as there is no such dean and chapter in existence at Truro; and to provide that any non-residentiary canons in the cathedral church of Exeter, who upon the foundation of the Bishopric of Truro may be holding benefices in the diocese of Truro, and consent to the transfer, shall be transferred to and become honorary canons in the cathedral church of Truro instead of being non-residentiary canons in the cathedral church of Exeter; and

(7.) For providing for the transfer, as soon as may be practicable, to the registrar or other officer of the diocese of Truro from the registrar or officer of the diocese of Exeter who may be in possession of the same, of all terriers, tithe apportionments, maps, plans, and other documents relating to the several parishes situate in the diocese of Truro; and

(8.) For making such other provisions and arrangements, whether similar or not to the foregoing, as may be necessary for carrying into complete effect this Act, or any Order in Council made thereunder.

Trusts of Truro Bishopric

8. The Truro Bishopric endowment fund shall be held by the Ecclesiastical Commissioners upon trust to provide a net annual

income not exceeding four thousand two hundred pounds a year and a residence for the Bishop of Truro, and subject as aforesaid upon trust for the foundation of a dean and chapter for the bishopric, in such manner as may be from time to time provided by Order in Council.

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endowment fund.

All annual income arising from the Truro Bishopric endowment fund shall, until the bishopric is founded, as provided by this Act, be invested and accumulated as part of the fund; but the Ecclesiastical Commissioners shall have full power to sell (discharged from all trusts), invest, manage, lease, and otherwise deal with the fund and the property in which it may for the time being be invested in such manner as they may deem most expedient for the purposes of their trust.

The Ecclesiastical Commissioners may invest the whole or any part of such endowment fund in the purchase of land, and may hold such land without any license in mortmain, and may from time to time, but after the appointment of a Bishop of Truro with the consent of the bishop for the time being, assign to such bishop and his successors, as an endowment for the bishopric, the lands so purchased, if convenient to be held by such bishopric: Provided that there shall not be assigned as an endowment to the said bishopric, exclusive of an episcopal residence, a greater extent of land than will, after deducting the costs of management, produce as nearly as may be a net annual income of four thousand two hundred pounds.

The endowment of a bishopric under this Act shall be deemed to be for all purposes subject to the same laws as the temporalities and endowment of any other bishopric in England.

Validity and publication of Orders in Council.

9. An Order in Council made in pursuance of the provisions contained in this Act shall have effect as if it were enacted in this Act.

An Order in Council made in pursuance of the provisions contained in this Act shall be published in the London Gazette and laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or if not, within one month after the next meeting of Parliament.

A scheme made in pursuance of the provisions contained in this Act shall be of no effect until it has been approved by Order in Council.

Saving Clauses.

Saving as to service as incumbent or curate in transferred parishes.

10. The service of any person, either before or partly before and partly after the foundation of the Bishopric of Truro in pursuance of this Act, as incumbent or curate in any parish which, in pursuance

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of this Act, is constituted part of a different diocese from that of which it forms part at the passing of this Act, shall, for the purpose of qualifying such incumbent or curate to be presented or nominated to any benefice in the patronage of the chapter of any cathedral or collegiate church, be deemed to be service in the diocese in which such parish is situate at the time of the passing of this Act, or in the diocese in which such parish is situate at the date of the presentation or nomination.

Common fund of Commissioners not applicable to endowment.

11. Nothing in this Act shall authorise the Ecclesiastical Commissioners to apply any portion of their common fund towards the endowment of the Bishopric of Truro, or of the dean and chapter of such bishopric, save in so far as relates to any sum made payable by this Act out of the endowment or income of the Bishopric of Exeter.

LONDON : Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

Metropolitan Board of Works (Loans).

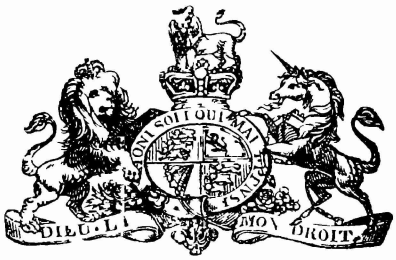
[39 & 40 Vict. Ch. 55.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Clauses.

1. Short title.
2. Construction of Act.
3. Power for Board to expend for general improvements and contributions.
4. Power for Board to expend for fire brigade purposes.
5. Amendment of s. 3 of the Loans Act, 1875, as to limit of amount for fire brigade.
6. Amendment of s. 4 of Act of 1875 as to limit of amount to be lent.
7. Power for Board to lend to vestry or district board.
8. Power for Board to lend to board of guardians.
9. Power for Board to lend to corporations, burial boards, &c.
10. Extension of amount of loans by Board for Metropolitan Asylum District.
11. Alteration of limitation of borrowing power.
12. Repayments to go to Consolidated Loans Fund.



CHAPTER 55.

An Act for further amending the Acts relating to the raising of Money by the Metropolitan Board of Works; and for other purposes relating thereto. [11th August 1876.]

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WHEREAS by the Metropolitan Board of Works (Loans) Act, 1875, in this Act referred to as "the Act of 1875," the raising of money by the Metropolitan Board of Works (in the Act referred to as "the Board") for the purposes therein specified was regulated, and provision was made requiring that the borrowing powers granted to the Board by Parliament for the purposes therein named should for the future be limited both in time and amount:

And whereas the powers for the raising of money by the Act of 1875 conferred upon the Board have been partially exercised, but it is expedient that the Board should have power to raise further sums of money for the purposes by this Act prescribed, and that in accordance with the provisions of the Act of 1875 limits of time and amount within which such powers may be exercised should be fixed:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Metropolitan Board of Works (Loans) Act, 1876.

Construction of Act.

2. This Act shall be read and have effect as one with the Metropolitan Board of Works (Loans) Acts, 1869 to 1871, and the Act of 1875.

Power for Board to expend for general improvements and contributions.

3. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, expend under section one hundred and forty-four of the Metropolis Management Act, 1855, and section seventy-two of the Metropolis

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Management Amendment Act, 1862, such money as they think fit for the purposes mentioned in the said sections respectively.

The aggregate amount expended by the Board under this section shall not exceed one hundred thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Power for Board to expend for fire brigade purposes.

4. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, expend for the purposes of providing station houses, fire engines, fire escapes, and permanent plant, for the purposes of the Fire Brigade Act, 1865, such money as they think fit, not exceeding twenty thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

The Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Amendment of s. 3 of the Loans Act, 1875, as to limit of amount for fire brigade.

5. Section three of the Loans Act, 1875, shall be read and construed as if the aggregate amount which the Board was authorised to raise and expend for the purposes of the fire brigade had been limited to a sum not exceeding fifty-five thousand pounds instead of fifteen thousand pounds.

Amendment of s. 4 of Act of 1875 as to limit of amount to be lent.

6. Section four of the Act of 1875 shall be read and construed as if the aggregate amount which the Board was authorised to lend to vestries and district boards under the said section had been limited to a sum not exceeding two hundred thousand pounds instead of to a sum not exceeding one hundred thousand pounds.

Power for Board to lend to vestry or district board.

7. Where a vestry or district board constituted under the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them by Act of Parliament, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, the Board may lend to the vestry or district board, and the vestry or district board may borrow from the Board, such money as the Board think fit, and as the vestry or district board are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred and fifty thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to board of guardians.

8. Where a board of guardians of a union or parish wholly or for the greater part in the metropolis, as defined in the Metropolis Management Act, 1855, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, the Board may lend to the board of guardians, and the board of guardians may borrow from the Board, such money as the Board think fit, and as the board of guardians are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed one hundred and twenty thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest, within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding thirty years.

The Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve, as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of

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stock for purposes of this section, an amount of consolidated stock equal to that so created.

Power for Board to lend to corporations, burial boards, &c.

9. Where any corporation, body of commissioners, burial board, or other public body having power to levy, directly or indirectly, rates in respect of lands in the metropolis, as defined in the Metropolis Management Act, 1855, or to make charges on rates leviable in the metropolis as so defined, or to take within the metropolis as so defined dues or impositions in the nature of rates, desire, in pursuance of authority vested in them, to borrow money for the purpose of any work, or for the purpose of paying off any loan or debt, or for any other purpose, and it appears to the Board and to the Treasury expedient that the repayment of the money to be borrowed shall be spread over a series of years, then from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, with the approval of the Treasury, the Board may lend to the corporation, commissioners, burial board, or other public body, and they may borrow from the Board, such money as the Board think fit, and as the corporation, commissioners, burial board, or other public body are authorised and desire to borrow.

The aggregate amount lent by the Board under this section shall not exceed fifty thousand pounds.

The Board in order to raise money for purposes of this section may from time to time create consolidated stock.

Money lent by the Board under this section shall, notwithstanding anything in any other Act, be repaid to them with interest within such time after the borrowing as the Board and the borrowers, with the approval of the Treasury, agree, not exceeding in case of a loan for purposes of improvements effected by the widening of streets or bridges, or for the purpose of purchase of land in fee simple, sixty years, and for any other purpose thirty years.

In case of a loan required to be for not exceeding thirty years, the Board shall from time to time carry to the Consolidated Loans Fund such sums as the Treasury approve as being in their opinion sufficient to redeem, within the period for which the loan is made, not exceeding thirty years from the date of the creation of stock for purposes of this section, an amount of consolidated stock equal to that so created.

Nothing in this section shall apply to the case of the managers of the Metropolitan Asylum District or of the School Board for London.

Extension of amount of loans by

10. The Board may from time to time, up to the thirty-first day of December one thousand eight hundred and seventy-seven, lend

Board for Metropolitan Asylum District.

to the managers of the Metropolitan Asylum District, in addition to the sum of five hundred thousand pounds authorised by section thirty-seven of the Metropolitan Board of Works (Loans) Act, 1869, and to the sum of one hundred thousand pounds authorised by section seventeen of the Metropolitan Board of Works (Loans) Act, 1871, and to the sum of one hundred thousand pounds authorised by section seven of the Act of 1875, such sums as the managers are from time to time authorised by the Local Government Board to borrow in pursuance of the Acts in the first-mentioned section referred to, not exceeding in the whole one hundred thousand pounds; and the first-mentioned section shall be construed as if eight hundred thousand pounds were therein substituted for five hundred thousand pounds.

Alteration of limitation of borrowing power.

11. The limitation on the borrowing power of the Board contained in section thirty-eight of the Metropolitan Board of Works (Loans) Act, 1869, shall not extend to money raised by the Board for purposes mentioned in this Act.

Repayments to go to Consolidated Loans Fund.

12. All sums received by the Board in respect of interest on or principal of any loan made by them under this Act shall be carried to the Consolidated Loans Fund.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.

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Law as to the Regulation and Inclosure of Commons.

Applications in relation to Commons.

2. Alternative provisional order for regulation or inclosure of commons.
3. "Regulation of common" includes adjustment of rights and improvement.
4. Explanation of adjustment of rights.
5. Explanation of improvement.
6. Meaning of provisional order for inclosure of common.
7. Provisions for the benefit of a neighbourhood applicable alike to orders for regulation and orders for inclosure.

Suburban Commons.

8. Sanitary authorities to be represented in the case of commons in the neighbourhood of towns.

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9. Issue of forms by Commissioners.
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    (1.) Publication of notices of application.
    (2.) Manner of application.
    (3.) Evidence to be furnished in support of application.
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Clause.

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11. Rules as to local inquiry.
    - (1.) Inspection and public meeting.
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    - (3.) Contents of notice.
    - (4.) Publication of notice.
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    - (6.) Personal inquiries by Assistant Commissioner.
    - (7.) Report of Assistant Commissioner to Inclosure Commissioners.
    - (8.) Map to accompany report.

12. Rules as to provisional orders.
    - (1.) Draft provisional order to be framed.
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    - (3.) Provisions for protection of private interests.
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    - (5.) Consents before provisional order certified to be expedient.
    - (6.) Reservation in favour of freemen interested in common.
    - (7.) Means of obtaining consents.
    - (8.) Power to modify provisional order before expediency certified.
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    - (10.) Confirmation of provisional order.
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13. Partial application of procedure under Inclosure Acts.

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17. Notice of application for confirmation of byelaws.

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Field Gardens and Recreation Grounds.

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21. Expenses of clearing, draining, and fencing field gardens.
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37. Definitions.

SCHEDULE.

CHAPTER 56.

An Act for facilitating the regulation and improvement of Commons, and for amending the Acts relating to the Inclosure of Commons. [11th August 1876.] A.D. 1876.

WHEREAS by the Inclosure Acts, 1845 to 1868, upon the application and with the consent of such of the persons interested in any common as in the said Acts in that behalf specified, the Inclosure Commissioners are empowered by provisional order under their seal to authorise the inclosure of such common, provided such inclosure is made on such terms and conditions as may appear to the Commissioners to be proper for the protection of any public interests, and provided also that the Commissioners are of opinion that such inclosure would be expedient, having regard as well to the health, comfort, and convenience of the inhabitants of any cities, towns, villages, or populous places in or near any parish in which the land proposed to be inclosed, or any part thereof, may be situate (herein-after included under the expression the benefit of the neighbourhood), as to the advantage of the persons interested in the common to which such application relates (herein-after included under the expression private interests); but such provisional order is of no validity until and unless the Commissioners have in a report to be laid before Parliament certified that in their opinion the inclosure of such common, if made on the terms and conditions in their provisional order expressed, would be expedient, having regard to the benefit of the neighbourhood as well as to such private interests as aforesaid, nor until and unless an Act of Parliament has been passed confirming such order and affirming such certificate as aforesaid, and directing that the proposed inclosure of the common should be proceeded with accordingly:

And whereas by the said Inclosure Acts, information is required to be supplied and inquiries to be made for the purpose of enabling the Inclosure Commissioners to judge of such expe-

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diency as aforesaid, but it is desirable to make further provisions for bringing under the notice of the said Commissioners, and of Parliament, any circumstances bearing on the expediency of allowing the inclosure of a common, and that inclosure in severalty as opposed to regulation of commons should not be herein-after made unless it can be proved to the satisfaction of the said Commissioners and of Parliament that such inclosure will be of benefit to the neighbourhood as well as to private interests, and to those who are legally interested in any such commons.

And whereas by the said Inclosure Acts the Commissioners are empowered in the case of a common being waste land of a manor to require, and in their provisional order to specify as one of the conditions of inclosure, the appropriation of an allotment for the purposes of exercise and recreation by the inhabitants of the neighbourhood, and also of an allotment for the labouring poor, and it is expedient to give further effect to the provisions relating to the said allotments (in this Act referred to as allotments for recreation grounds and field gardens):

And whereas it is expedient to give further facilities for enabling the Inclosure Commissioners to regulate, improve, stint, and otherwise deal with commons without wholly inclosing and allotting the same in severalty:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as the Commons Act, 1876.

PART I.

LAW AS TO THE REGULATION AND INCLOSURE OF COMMONS.

Applications in relation to Commons.

Alternative provisional order for regulation or inclosure of commons.

2. The Inclosure Commissioners may entertain an application made in manner in this Act mentioned for a provisional order—

(1.) For the regulation of a common; or

(2.) For the inclosure of a common or parts of a common;

Further, an application may be made as respects the same common for the regulation of part of such common, specifying the part to be regulated, and for the inclosure of the residue, and in such case the application shall be dealt with as respects such parts as if they were separate commons, with this exception, that the

boundaries as proposed in the application of the part to be regulated and the part to be inclosed may be modified by the provisional order.

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The Commissioners shall not proceed to carry any application under this Act into effect until it is made to appear to them that the persons making the application represent at least one third in value of such interests in the common as are proposed to be affected by the provisional order.

"Regulation of common" includes adjustment of rights and improvement.

3. A provisional order for the regulation of a common may provide, generally or otherwise, for the adjustment of rights in respect of such common, and for the improvement of such common, or for either of such purposes, or for any of the things by this Act comprised under the expression "adjustment of rights" or "improvement of a common," or may state that all or any of such subjects are to be provided for in the proceedings subsequent to the confirmation of the provisional order by Parliament.

Explanation of adjustment of rights.

4. The adjustment of rights in respect of a common comprises for the purposes of this Act all or any of the following things:

(1.) As respects rights of common of pasture in a common, being waste land of a manor,—the determination of the persons by whom, the stock by which, and the times at which such common of pasture is to be exercised;

(2.) As respects rights of common of turbary, or taking of estovers, or taking gravel, stone, or otherwise interfering with the soil of the common, being waste land of a manor, —the determination of the persons by whom, and the mode and place or places in which, and the times at which such rights are to be exercised, also on compensation made to any person aggrieved, either by grant of a right of equal value, or with his consent in writing, in money,—the restriction, modification, or abolition of all or any of such rights which may permanently injure the common;

(3.) As respects rights of common in land which is not waste land of a manor,—the stinting or other determination of such rights, and the persons by whom, and the mode in which, and the times at which such rights are to be exercised, as also on compensation made to any person aggrieved, either by grant of a right of equal value, or with his consent in writing, in money,—the restriction, modification, or abolition of all or any of such rights which may be injurious to the general body of the commoners or to the proper cultivation of the land;

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(4.) As respects any common whether it is or is not waste land of a manor,—the determination of the rights and obligations of the lord of the manor, severalty owners, or other person or persons entitled to the soil of such common, as also on compensation made to any person aggrieved, either by grant of a right of equal value, or with his consent in writing, in money,—the restriction, modification, or abolition of all or any of such rights, and in particular in the case of severalty owners of all or any of such rights which may be injurious to the general body of the severalty owners or to the proper cultivation of the land; and

(5.) Generally as respects any common, whether it is or is not waste land of a manor,—the determination of any rights and settlement of any disputes relating to boundaries, rights in the soil or in the produce of the soil, or otherwise, whether arising between the commoners themselves, or between the commoners in relation to the lords of the manors, severalty owners, or other person or persons entitled to the soil of the common, which settlement may be conducive to the interests of all or any class of persons interested in the common.

Explanation of improvement.

5. The improvement of a common comprises for the purposes of this Act all or any of the following things; that is to say,

(1.) The draining, manuring, or levelling the common; and

(2.) The planting trees on parts of such common, or in any other way improving or adding to the beauty of the common; and

(3.) The making or causing to be made byelaws and regulations for the prevention of or protection from nuisances or for keeping order on the common; and

(4.) The general management of such common.

(5.) The appointment from time to time of conservators of the common for the purposes aforesaid.

Meaning of provisional order for inclosure of commons.

6. A provisional order for the inclosure of a common means a provisional order for inclosing the common as provided by the Inclosure Acts, 1845 to 1868, as amended by this Act.

Provisions for the benefit of a neighbourhood applicable alike to orders for

7. In any provisional order in relation to a common, the Inclosure Commissioners shall, in considering the expediency of the application, take into consideration the question whether such application will be for the benefit of the neighbourhood, and shall, with a view to such benefit, insert in any such order

such of the following terms and conditions (in this Act referred to as statutory provisions for the benefit of the neighbourhood) as are applicable to the case; that is to say,

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regulation and orders for inclosure.

(1.) That free access is to be secured to any particular points of view; and

(2.) That particular trees or objects of historical interest are to be preserved; and

(3.) That there is to be reserved, where a recreation ground is not set out, a privilege of playing games or of enjoying other species of recreation at such times and in such manner and on such parts of the common as may be thought suitable, care being taken to cause the least possible injury to the persons interested in the common; and

(4.) That carriage roads, bridle paths, and footpaths over such common are to be set out in such directions as may appear most commodious; and

(5.) That any other specified thing is to be done which may be thought equitable and expedient, regard being had to the benefit of the neighbourhood.

Suburban Commons.

Sanitary authorities to be represented in the case of commons in the neighbourhood of towns.

8. Notice of any application under this Act in relation to a common which is situate either wholly or partly in any town or towns, or within six miles of any town or towns (which common so situate is in this Act referred to as a suburban common) shall be served as soon as may be on the urban sanitary authority or authorities having jurisdiction over such town or towns, and it shall be lawful for the urban sanitary authority of any such town to appear before the Assistant Commissioner on the occasion of his holding a local inquiry as in this Act mentioned, and also to appear before the Inclosure Commissioners, and to make to him or them, at any time during the proceedings in relation to obtaining a provisional order under this Act, such representations as they may think fit with respect to the expediency or inexpediency of such application, regard being had to the health, comfort, and convenience of the inhabitants of the town over which such authority has jurisdiction, and to propose to him or them such provisions as may appear to such urban sanitary authority to be proper, regard being had as aforesaid.

Any urban sanitary authority entitled to receive notice of an application in relation to a suburban common may, with the sanction of the Inclosure Commissioners, enter into an undertaking to contribute out of their funds for or towards the maintenance of

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recreation grounds, or of paths or roads, or the doing any other matter or thing for the benefit of their town in relation to the common to which such application relates.

They may also, in relation to any such common, and with such sanction as aforesaid, enter into an undertaking to pay compensation in respect to the rights of commoners, for the purpose of securing greater privileges for the benefit of their town.

An urban sanitary authority may acquire by gift and hold without license in mortmain on trust for the benefit of their town any suburban common in respect of which they would be entitled to receive notice of any application made to the Inclosure Commissioners in pursuance of this Act, and any rights in such a common.

They may also in the case of any such suburban common purchase and hold as aforesaid, with a view to prevent the extinction of the rights of common, any saleable rights in common or any tenement of a commoner having annexed thereto rights of common.

They may also, with the consent of persons representing at least one third in value of such interests in a suburban common as aforesaid as are proposed to be affected by the provisional order, make an application to the Inclosure Commissioners for the regulation of such common with a view to the benefit of their town and the improvement of such common.

Where an urban sanitary authority makes an application under this Act with such consent as aforesaid in respect of the regulation of a common, or undertakes to make any contribution or to pay any compensation or make any other payment out of its funds in respect of a common, such urban sanitary authority may, if the Inclosure Commissioners deem it advisable, having regard to the benefit of the neighbourhood as well as to private interests, be invested with such powers of management or other powers as may be expedient.

The expenses incurred by an urban sanitary authority in pursuance of this section may be defrayed out of any rate applicable to the payment of expenses incurred by such authority in the execution of the Public Health Act, 1875, and not otherwise provided for.

A town for the purposes of this section means any municipal borough, or Improvement Act district, or Local Government district, having a population of not less than five thousand inhabitants.

The population of any town for the purposes of this Act shall be reckoned according to the last published census for the time being, and distances shall be measured in a direct line from the town hall, or if there shall be no town hall, then from the cathedral or church, if there shall be only one church, or if there be more churches than

one, then from the principal market place of such town to the nearest point of the suburban common. When part only of a common is situate within the aforesaid distance from a town, such part shall be deemed for the purposes of this section to be a common separate and distinct from the part situated without and beyond such distance.

Procedure.

Issue of forms by Commissioners.

9. The Inclosure Commissioners shall from time to time, upon application made by the persons interested in any common, issue in such form as they may deem expedient information and directions as to the mode in which applications for the regulation or inclosure of commons under the Inclosure Acts, 1845 to 1868, as amended by this Act are to be made to the Commissioners, with such explanations as they may think fit with respect to the law for the regulation and inclosure of commons, and the persons so interested may apply accordingly in manner directed by the Inclosure Commissioners.

Rules as to application to Commissioners.

10. The following rules shall be observed with respect to an application to the Inclosure Commissioners for a provisional order for the regulation or inclosure of a common; that is to say,

Publication of notices of application.

(1.) The applicants previously to making their application shall publish, in such manner as the Inclosure Commissioners may from time to time, by general or special order, direct, an advertisement giving notice of their intention to apply for such provisional order, and shall also serve a like notice on any urban sanitary authority entitled under this Act to receive such notice: Provided that such advertisement as aforesaid shall always be inserted in at least one paper circulating in the neighbourhood of the common to which the application relates:

Manner of application.

(2.) The application shall be in writing, accompanied with a map of the common, or part thereof, and, if for the regulation of a common, shall express whether the applicants propose that all or certain specified provisions only of this Act for the adjustment of rights or improvement of commons should be put in force in relation to such common, and whether to apply to the whole or part of such common, but, subject as aforesaid, an application for the regulation or inclosure of a common shall be in such form and be made in such manner as the Inclosure Commissioners may from time to time direct:

Evidence to be furnished in support of application.

(3.) On making their application in respect of any common, the applicants shall furnish the Inclosure Commissioners, in answer to questions previously submitted or otherwise in

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such manner as the said Commissioners may from time to time direct, with information bearing on the expediency of the application considered in relation to the benefit of the neighbourhood as well as to private interests:

Evidence in relation to benefit of neighbourhood.

(4.) The information to be furnished as bearing on the expediency of the application, considered in relation to the benefit of the neighbourhood, shall comprise statements as to the particulars following; that is to say, as to the number and occupation of the inhabitants of the parish or place in which the common is situate; as to the population of the neighbourhood, and the distance of the common from any neighbouring towns and villages; as to the intention of the applicants to propose the adoption of all or any of the statutory provisions as defined by this Act for the benefit of the neighbourhood; as to the circumstance of any ground other than the common to which the application relates being available for the recreation of the neighbourhood; and in the case of a common being waste land of a manor, as to the site, extent, and suitableness of the allotments, if any, proposed to be made for recreation grounds and field gardens, or for either of such purposes; and as to any other matter which in the judgment of the Inclosure Commissioners may assist them in forming an opinion as to whether such application ought to be acceded to, having regard to the benefit of the neighbourhood, and if acceded to, as to what statutory provisions as defined by this Act ought to be inserted in the provisional order for the benefit of the neighbourhood:

The Inclosure Commissioners shall also require, in the case of an application for inclosure, special information as to the advantages the applicants anticipate to be derivable from the inclosure of a common as compared with the regulation of a common, also the reasons why an inclosure is expedient when viewed in relation to the benefit of the neighbourhood:

Evidence in relation to private interests.

(5.) The information to be furnished as bearing on the expediency of the application considered in relation to private interests shall comprise statements as to the several particulars following; that is to say, as to the extent and nature of the common to which the application relates; as to the mines, minerals, or valuable strata (if any) under the same; as to the questions of boundary (if any) concerning such common, or such mines, minerals, or strata; as to the parties interested in such common, and the numbers and proportion in value of interest who have consented to or dissented from the application; as

to the nature of the rights requiring the intervention of the Inclosure Commissioners or the interference of Parliament; as to the supposed advantages of the application being acceded to; as to (in cases where the interest of any lord of the manor in the soil of a common or in mineral or other rights may be affected by the provisional order applied for) the allotment (if any) or compensation agreed on or proposed to be made to such lord of the manor in respect of his interest so affected; and as to any other matter which in the judgment of the Inclosure Commissioners may assist them in forming an opinion as to whether such application ought to be acceded to, having regard to private interests, and if acceded to as to what provisions ought to be inserted in the provisional order for the protection of private interests:

Duty of Commissioners on application.

(6.) The Inclosure Commissioners shall take into consideration any application made to them as in this Act provided, and if satisfied by the information furnished to them as aforesaid, or by any further inquiries made by themselves or an Assistant Commissioner, that a primâ facie case has been made out, and that, regard being had to the benefit of the neighbourhood as well as to private interests, it is expedient to proceed further in the matter, they shall order a local inquiry to be held by an Assistant Commissioner.

Rules as to local inquiry.

11. The following rules shall be observed with respect to a local inquiry held by order of the Inclosure Commissioners:

Inspection and public meeting.

(1.) The Assistant Commissioner appointed to hold such inquiry shall inspect the common to which the application relates, and shall convene one or more public meetings at a suitable time and place for securing the attendance of the neighbouring inhabitants, and of all persons claiming interest in the common: Provided always, that one at least of such public meetings shall be held in the evening between the hours of seven and ten of the clock.

Notice of meeting.

(2.) The Assistant Commissioner shall give not less than twenty-one days notice of his intention to hold the first of such meetings.

Contents of notice.

(3.) The notice shall, in such form as the Inclosure Commissioners from time to time direct, state the nature of the application made, the objects of the meeting, that the meeting is a public one and held for the purpose of enabling the Assistant Commissioner to hear all persons

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desirous of being heard on the subject matter of the application, whether considered in relation to the benefit of the neighbourhood or to private interests, and the desirability of the attendance of all persons interested in the subject matter of the inquiry.

Publication of notice.

(4.) The notice shall be given—

(*a.*) By affixing a copy thereof on the principal door of the church of the parish in which the common to which the application relates, or the greater part thereof is situate; and

(*b.*) By posting copies of the same on or near the common to which it relates at the post office or post offices of the parish or district in which the common to which the application relates is situate, at any town hall, or vestry hall, or other building or room the expense of maintaining which is payable out of any local rate, situate in the parish or district, and at all places therein where notices are usually posted; and

(*c.*) By advertising in such manner as the Inclosure Commissioners may direct, or otherwise giving notice of the meetings in such manner as they think best calculated to ensure publicity in the locality.

Conduct of meeting.

(5.) The Assistant Commissioner shall preside and regulate the proceedings at such meetings, and shall hear all persons desirous of being heard in relation to the subject matter of the inquiry. He may adjourn any such meeting from time to time, or from place to place, on giving such notice of adjournment as he thinks best calculated to ensure publicity.

Personal inquiries by Assistant Commissioner.

(6.) The Assistant Commissioner shall also make any inquiries and do any other acts which he may be instructed by the Inclosure Commissioners or may think it advisable to do, for the purpose of enabling the Commissioners to judge as to the expediency of making the provisional order applied for, also as to the nature of the provisions to be inserted in any such provisional order if made.

Report of Assistant Commissioner to Inclosure Commissioners.

(7.) The Assistant Commissioner shall report in writing to the Inclosure Commissioners the result of the local inquiry, and of the public meeting or meetings held by him (in such form and with such details as the Inclosure Commissioners may from time to time direct), and specially shall report to

the Inclosure Commissioners the information obtained by him as to the several particulars in respect of which the applicants for a provisional order are by this Act required to furnish information to the Inclosure Commissioners.

He shall also report the number of persons who attended the meetings held by him, the objections (if any) made to the application, and the suggestions (if any) made in relation to the provisions to be inserted in the provisional order for the benefit of the neighbourhood or for the protection of private interests, and any other circumstances which he may think expedient, with a view to enable the Inclosure Commissioners to judge of the expediency of making the provisional order, having regard as aforesaid, and also, if the order be made, of the provisions to be inserted therein.

Map to accompany report.

(8.) The report shall be accompanied by an outline or other map on such scale and of such a description as may be directed by the Inclosure Commissioners, with a sketch in the case of an inclosure of a common being waste of land of a manor, of the allotments (if any) proposed to be made for recreation grounds and field gardens, or for either of such purposes.

Rules as to provisional orders.

12. The following rules shall be observed with respect to provisional orders to be made by the Inclosure Commissioners; that is to say,

Draft provisional order to be framed.

(1.) The Inclosure Commissioners, if satisfied by the report of the Assistant Commissioner or by further inquiries to be made by themselves or an Assistant Commissioner, that, having regard to the benefit of the neighbourhood as well as to private interests, it is expedient to proceed further in the matter, shall frame, in such form and with such provisions as they, having regard as aforesaid, may think expedient, and as are consistent with law and the description of provisional order applied for, a draft provisional order for the consideration of the persons interested in the common, specifying, if such application is for the regulation of a common, whether all or any one or more of the provisions of this Act for the adjustment of rights and the improvement of a common are to be put in force:

Provisions for benefit of neighbourhood.

(2.) With respect to provisions for the benefit of the neighbourhood, there shall be inserted in such draft provisional order all such of the statutory provisions as defined by this Act for

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the benefit of the neighbourhood as are applicable to the case; also, if the order is an inclosure order in the case of a common being waste land of a manor, the quantity and situation of the allotments (if any) to be made for recreation grounds and field gardens:

Provisions for protection of private interests.

(3.) With respect to private interests, there shall be inserted in such draft provisional order, (1) where the interest of any lord of the manor in the soil of a common or in mineral or other rights may be affected by the order, a statement of the allotment (if any) or other compensation to be allotted or made to the lord of such manor in respect of his interest so affected; and (2) where there is any mineral property or other rights in relation thereto belonging to persons other than the lord of the manor which may be affected by the order, such provisions and reservations as are required to be inserted by the Inclosure Acts, 1845 to 1868, or as may appear to the Inclosure Commissioners proper to be inserted; also, if there are any other rights which appear to the Commissioners proper to be specially provided for or to be excepted from the operation of the order, there shall be specified the provisions or exceptions to be made in that behalf:

Deposit of draft order for consideration of parties interested.

(4.) As soon as may be after making their draft provisional order, the Inclosure Commissioners shall cause a copy thereof to be deposited in the parish or parishes in which the common is situate to which such order relates, in order that the same may be considered by the parties interested therein, and they shall give notice, in such manner as they think best calculated to secure publicity, of such deposit having been made, and of their intention to certify the expediency of such order if the necessary consents are obtained thereto:

Consents before provisional order certified to be expedient.

(5.) The Inclosure Commissioners shall not certify the expediency of a draft provisional order unless they are satisfied that persons representing at least two thirds in value of such interests in the common as are affected by the order consent thereto; and when the common to which the order relates is the waste land of any manor, or land within any manor to the soil of which the lord of such manor is entitled in right of his manor, then, unless there is more than one person interested in such manor according to the definition of the Inclosure Act, 1845, the Commissioners shall not certify

the expediency of the same, unless the person interested in the common in right of such manor, or his substitute under the said Inclosure Act, 1845, consent to such order; and where there is more than one person interested in such manor the Commissioners shall not certify the expediency of the order, in case such persons or the majority of such persons in respect of interest signify their dissent within a time to be limited by the Commissioners:

Reservation in favour of freemen interested in common.

(6.) Where the freemen, burgesses, or inhabitant householders of any city, borough, or town are entitled to rights of common or other interest in the common to which the draft provisional order relates, the Inclosure Commissioners shall not certify the expediency of such order unless it appears to the Commissioners that two thirds in number of such of the freemen and burgesses so entitled as may be resident in such city, borough, or town, or within seven miles thereof, or of such inhabitant householders, as the case may be, have consented to the order; and in case two thirds in number of such resident freemen and burgesses, or of such inhabitant householders, have so consented, such consent shall be deemed the consent of the class of freemen, burgesses, or inhabitant householders, as the case may be, so entitled:

Means of obtaining consents.

(7.) The Inclosure Commissioners may cause a meeting or meetings to be held by an Assistant Commissioner for the purpose of obtaining the necessary consents, or of ascertaining the interests of consenting or dissenting parties, or they may cause such consents or dissents to be ascertained in such other manner as they may think fit:

Power to modify provisional order before expediency certified.

(8.) The Inclosure Commissioners may, at any time before certifying the expediency of a draft provisional order, modify the same of their own mere motion, or on the suggestion of any parties interested, but such modifications shall not be of any validity unless they are consented to in the same manner as if they formed part of the draft provisional order originally deposited by the Commissioners:

Certificate of expediency of provisional order.

(9.) When the necessary consents have been obtained to any draft provisional order as originally deposited, or as modified in pursuance of this Act, such order shall be deemed to be final; and the Inclosure Commissioners shall in a report or reports to be made from time to time,

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as respects each provisional order which has become final as aforesaid, certify that it is expedient that such provisional order should be confirmed by Parliament, together with their reasons for certifying such expediency, and specially, as respects each provisional order, they shall, in such manner as they think best adapted to enable Parliament to judge of the expediency of such order, state the information furnished to them as to the several particulars in respect of which the applicants for a provisional order are by this Act required to furnish information to the Commissioners; also the result of the local inquiry, and of the number and description of the persons who attended the meetings held during such inquiry, and the nature of the objections (if any) made to the application, and the suggestions (if any) made in relation to the provisions to be inserted for the benefit of the neighbourhood or for the protection of private interests by the persons so attending, and any other circumstances which the Commissioners may think it expedient to state for such purposes as aforesaid:

Confirmation of provisional order.

(10.) Every report made by the Inclosure Commissioners certifying the expediency of any provisional order under this Act shall be presented to Parliament, and if at any time thereafter it is enacted by Act of Parliament that any order for the regulation or inclosure of a common, the expediency of which has been so certified by the Commissioners, shall be confirmed, the regulation or inclosure of any common to which any such order relates shall be proceeded with and completed according to the terms of the provisional order relating to such common, and to the provisions of the Inclosure Acts, 1845 to 1868, as amended by this Act, and any Act of Parliament containing such enactments as aforesaid shall be deemed to be a public general Act, but a provisional order, until such Act of Parliament as aforesaid has been passed in relation thereto, shall not be of any validity whatever:

Supplemental power to modify provisional order after expediency certified.

(11.) If, after the presentation to Parliament of a report made by the Inclosure Commissioners certifying the expediency of any provisional order for the regulation or inclosure of a common, and before a Bill has been brought in for the confirmation of such order, such report is referred to a committee of either House of Parliament for conside-

ration, and such committee recommend that such provisional order should not be confirmed by Parliament except subject to certain modifications, the Inclosure Commissioners may modify the provisional order accordingly, but such modifications shall not be of any validity unless they are consented to in the same manner as if they had formed part of the draft provisional order originally deposited by the Commissioners:

And it shall be the duty of the Commissioners to take the necessary steps for ascertaining whether such consent as aforesaid can be obtained or not, and if such consent be obtained, the Commissioners shall make a special report to the effect that the order has been modified as aforesaid and such consent duly obtained, and such report shall be presented to Parliament; and thereupon the order so modified shall be deemed to be in the same position in all respects as if it were an order in respect of which a report had been made by the Commissioners certifying the expediency thereof, and such report had been presented to Parliament.

Partial application of procedure under Inclosure Acts.

13. The Inclosure Commissioners may insert in any provisional order for the regulation of a common any provisions they may deem necessary for the purpose of carrying such order into effect; but, subject as aforesaid, when an Act of Parliament has been passed as aforesaid, enacting that the regulation of a common shall be proceeded with, the subsequent proceedings for carrying into effect the regulation of such common shall be the same, so far as is practicable, as they would be in case such common were to be inclosed instead of being regulated, and the provisions of the Inclosure Acts, 1845 to 1868, as amended by this Act, shall apply accordingly.

Power to raise money for improvement of common.

14. A provisional order for the regulation of a common may provide for the raising from time to time by such persons interested in the common, and for such amounts as the Commissioners think fit, of money to be applied towards the improvement or protection of such common, either by means of rates to be levied on the persons and in respect of the property who and which respectively will be benefited or principally benefited by such improvement or regulation, or by means of the sale of any outlying or other small portion not exceeding in the whole one fortieth part of the total area of such common.

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Supplemental Provisions.

Owners may make byelaws.

15. The majority in value of the owners of skirts or rights of pasture in any regulated pasture created under the provisions of the General Inclosure Act, 1845, in addition to the powers they now possess are hereby authorised at any annual meeting for the election of field reeves to make byelaws and regulations for the prevention of or protection from nuisances or for keeping order on the regulated pasture, and for general management, occupation, and enjoyment of the regulated pasture, provided the consent of the lord of the manor is given to such byelaws.

Provision as to byelaws.

16. Any byelaw made in pursuance of this Act, and any alteration made therein, and any revocation of a byelaw, shall not be of any validity until it has been confirmed by one of Her Majesty's Principal Secretaries of State.

Pecuniary penalties (to be recovered summarily before any two justices) may be imposed by any such byelaws on persons breaking the same, provided that no penalty exceeds for any one offence the sum of forty shillings.

Notice of application for confirmation of byelaws.

17. No such confirmation shall take place unless notice of the intention to apply therefor, stating the effect of this section, has been published by the conservators one month at least before the application.

During one month at least before the application a copy of every byelaw, the making, alteration, or revocation of which is submitted for confirmation, shall be kept at the office of the person or body of persons making, altering, or revoking such byelaw open for inspection by persons interested, and such person or body of persons shall furnish a printed copy thereof to every person applying for the same on payment of a sum not exceeding one shilling for each copy.

Provision as to certain expenses under order for regulation of a common.

18. Subject to the terms of the provisional order the amount of any compensation to be paid for any restriction, modification, or abolition of rights in pursuance of an order for the regulation of a common shall be deemed to be expenses of and incidental to the regulation of the common, and may be defrayed accordingly.

Definition of power of Charity Commissioners in certain cases.

19. Whereas by several awards made under the authority of Inclosure Acts prior to the year one thousand eight hundred and forty-five, fuel allotments for the poor have been set out and awarded, and vested in divers persons and bodies of persons as trustees of such allotments:

And whereas under the provisions of the Inclosure Acts, 1845 to 1868, and the several Acts of Parliament and awards made thereunder, allotments for recreation grounds and field gardens have been set out and awarded to the churchwardens and overseers of parishes and other persons:

And whereas power exists or is claimed under divers Acts of Parliament, to divert such allotments from the uses declared by Parliament respecting the same: Be it enacted, that after the passing of this Act, notwithstanding anything in any other Act contained, it shall not be lawful (save as herein-after mentioned) to authorise the use of or to use any such allotment, or any part thereof, for any other purpose than those declared concerning the same by the Act of Parliament and award, or either of them, under which the same has been set out: Provided, that it shall be lawful for the Charity Commissioners for England and Wales in the exercise of their ordinary jurisdiction under the Charitable Trusts Acts, upon the application of the trustees of any fuel allotment, to authorise the use of such fuel allotment as a recreation ground and field gardens, or for either of those purposes, and to make an order under the provisions of "The Charitable Trusts Act, 1860," for the establishment of a scheme for the administration of such fuel allotment accordingly; and provided, that it shall be lawful for the said Charity Commissioners, on such application as aforesaid, to authorise the exchange of any fuel allotment, or any part thereof, for land of equal value situate within the parish or district for the benefit of the poor of which such allotment was set out, if the Commissioners are of opinion that by means of such exchange land better suited for the purpose for which such allotment was set out will be obtained.

Gravel digging.

20. After the passing of this Act, where any common is regulated pursuant to this Act by a provisional order of the Inclosure Commissioners confirmed by Parliament, or is the subject of a scheme confirmed by Parliament under the provisions of "The "Metropolitan Commons Act, 1866," or "The Metropolitan "Commons Amendment Act, 1869," or (being situate within the metropolitan police district) is the subject of any private or local Act of Parliament having for its object the preservation of such common as an open space, no surveyor of highways or highway board constituted in pursuance of the Highway Acts, or trustees of any turnpike road, shall search for, dig, get, or carry away gravel, sand, stone, or other materials in or from any part of such common which has not been set apart for that purpose with the

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sanction of Parliament, without the consent of the person or persons having the regulation or management of the same, or in default of such consent, without an order of two or more justices in petty sessions assembled, and acting in and for the petty sessional division in which such common is situate, who may in their order prescribe such conditions as to mode of working and restitution of the surface as to them shall seem expedient.

PART II.

AMENDMENT OF THE INCLOSURE ACTS.

Field Gardens and Recreation Grounds.

Expenses of clearing, draining, and fencing field gardens.

21. Whereas it is expedient that the expenses of clearing any allotments made for field gardens may be included in the expenses of an inclosure: Be it enacted, that the valuer shall, unless the Inclosure Commissioners otherwise direct, cause every allotment made for a field garden to be cleared, drained, fenced, levelled, and otherwise made fit for immediate use and occupation; and the expenses incurred by the valuer under this section shall be paid as part of the general expenses of the inclosure.

Substituted allotments for recreation grounds and field gardens.

22. The provisions of the Inclosure Acts, 1845 to 1868, which authorise the Inclosure Commissioners to allow an equal quantity of the land proposed to be inclosed to be allotted for the purpose of a recreation ground or field garden, or for any other public purpose, in lieu of that directed to be allotted by any provisional order, shall extend to authorise them to allow the allotment of land of equal value although it may not be of equal quantity.

Situation of allotments for recreation grounds and field gardens.

23. Every allotment made for the purpose of a recreation ground or field garden shall be in such part of the land proposed to be inclosed as is best suited for the purpose for which it is appropriated, and where any land proposed to be inclosed consists partly of common being waste land of a manor (in this section referred to as the first-mentioned land), and partly of common not being waste land of a manor (in this section referred to as the second-mentioned land), and the Commissioners are satisfied that it would be advantageous that the allotment for a recreation ground or a field garden, or any part thereof, should be made out of the second-mentioned land instead of out of the first-mentioned land, the Commissioners may, in the provisional order relating to such land, specify as one of the terms and conditions of the inclosure thereof

that the said allotments or the said part thereof shall be made accordingly out of the second-mentioned land, and shall out of the first-mentioned land allot land of equal value by way of exchange to the persons interested in the second-mentioned land. A.D. 1876.

24. There shall be repealed so much of the Inclosure Acts, 1845 to 1868, as relates to the charging of an allotment made for the purpose of a field garden with a rentcharge, and every such allotment made after the passing of this Act shall be made free of any such rentcharge. Field gardens to be free of rentcharge.

25. There shall be repealed so much of the Inclosure Acts, 1845 to 1868, as provides that an allotment made for the purpose of a recreation ground may be allotted to any person entitled to an allotment under the inclosure, and every such allotment made after the passing of this Act shall be vested in the churchwardens and overseers for the time being of the parish in which the same shall be situate, and shall be held by them as provided by the Inclosure Acts, 1845 to 1868. Allotments for recreation grounds to be vested in churchwardens and overseers.

26. Whereas by the Inclosure Act, 1845, allotment wardens are required to let the allotments under their management to the poor inhabitants of the parish in gardens not exceeding a quarter of an acre, and are further required to demand in respect of such letting, a rent not below the full yearly value of the land to be ascertained in manner in the said Act mentioned; and whereas it is expedient to amend the said provisions: Be it enacted that allotment wardens, if they are unable to let the allotments under their management, or any portion thereof, to the poor inhabitants of the parish in gardens not exceeding a quarter of an acre, may let the same, or any unlet portion thereof, in gardens not exceeding an acre each to such inhabitants as aforesaid: Further, it shall be the duty of allotment wardens to offer the gardens under their management to the poor inhabitants of the parish at a fair agricultural rent, if from time to time sufficient to satisfy all rates, taxes, tithes, tithe rentcharge, and the rentcharge charged on the said allotments under the provisions of "The General Inclosure Act, 1845," but not otherwise, instead of at such rent as is required by the said Act. Moreover, if in any parish the allotment wardens are unable to let the allotments under their management, or any portion thereof, to the poor inhabitants of the parish in such quantities and at such rents as aforesaid, they may let the same, or such portion as may be unlet to any person whatever at the best annual rent which can be obtained for the same, without any Amendment of law as to letting field gardens.

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premium or fine, and on such terms as may enable the allotment wardens to resume possession thereof within a period not exceeding twelve months, if it should at any time be required for such poor inhabitants as aforesaid.

This section shall apply to all land allotted to the poor for the purpose of cultivation under any Inclosure Act whatever, whether public or private, whether under the management of allotment wardens, feoffees, trustees, rector or vicar and churchwardens, overseers, managers, or any other person or persons whatever, and whether at present cultivated or uncultivated, so that all such persons as aforesaid shall have like powers and duties as are herein-before given to and imposed upon allotment wardens.

Application of surplus rents of recreation grounds and field gardens.

27. Whereas by section seventy-three of the Inclosure Act, 1845, the surplus rents arising from recreation grounds are applicable in aid of the rates for the repair of the public highways in the parish or respective parishes in which the said grounds are situate, and by section one hundred and twelve of the same Act the surplus rents arising from field gardens are payable to the overseers of the poor in aid of the poor rates of the parish: And whereas it is expedient to amend the said provisions: Be it enacted, that the surplus rents arising from recreation grounds shall from and after the passing of this Act cease to be applied in manner provided by the said seventy-third section, and shall be applied to all or any of the following purposes, and to no other purpose; that is to say, in improving the recreation grounds or any of them in the same parish or neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for recreation grounds in the same parish or neighbourhood; and the surplus rents arising from field gardens shall, from and after the passing of this Act, cease to be applied in manner provided by the said one hundred and twelfth section, and shall be applied to all or any of the following purposes, and to no other purpose; that is to say, in improving the field gardens or any of them in the same parish or neighbourhood, or maintaining the drainage and fencing thereof, or in hiring or purchasing additional land for field gardens in the same parish or neighbourhood.

The trustees of any recreation ground and the allotment wardens of any field gardens may, with the approval of the Inclosure Commissioners, sell all or any part of the allotment vested in them, and out of the proceeds of such sale purchase any fit and suitable land in the same parish or neighbourhood: Provided, that the land so

purchased shall be held in trust for the purposes for which the allotment so sold as aforesaid was allotted, and for no others; and provided, that the Inclosure Commissioners shall not sanction any such sale as aforesaid unless and until it shall be proved to their satisfaction that land more suitable for the purposes for which the allotment proposed to be sold was allotted may and will be forthwith purchased; and the proceeds of any such sale shall be paid to the Inclosure Commissioners, and shall remain in their hands until such purchase of other land as aforesaid.

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Reports to be made by managers of recreation grounds and field gardens.

28. The trustees of recreation grounds, where such trustees are the overseers or churchwardens of a parish, and the allotment wardens of field gardens shall, from time to time, and at such intervals of not less than three years nor more than five years, as the Inclosure Commissioners direct, make such reports to the said Commissioners in respect of the recreation grounds and field gardens under their management, with such particulars of the rents received by them, as the Commissioners may require.

Amendment of law as to town and village greens.

29. Whereas by the Inclosure Act, 1857, provision is made for the protection of town and village greens, and recreation grounds, and it is expedient to amend such provision: Be it enacted as follows, that is to say, an encroachment on or inclosure of a town or village green, also any erection thereon or disturbance or interference with or occupation of the soil thereof which is made otherwise than with a view to the better enjoyment of such town or village green or recreation ground, shall be deemed to be a public nuisance, and if any person does any act in respect of which he is liable to pay damages or a penalty under section twelve of the said Inclosure Act, 1857, he may be summarily convicted thereof upon the information of any inhabitant of the parish in which such town or village green or recreation ground is situate, as well as upon the information of such persons as in the said section mentioned.

This section shall apply only in cases where a town or village green or recreation ground has a known and defined boundary.

Jurisdiction of county court in respect of illegal inclosures.

30. A county court within whose jurisdiction any common or part of a common is situate shall have jurisdiction to hear any case relating to any illegal inclosure or encroachment of or upon such common or part of a common respectively made after the passing of this Act, or to any nuisance impeding the exercise of any right of common arising after the passing of this Act, and to grant an injunction against such inclosure, encroachment, or nuisance, or to make an order for the removal or abatement of such inclosure, encroachment, or nuisance.

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Any person aggrieved by any injunction granted or order made or refusal to grant an injunction or make an order by a county court in pursuance of this section may, on giving security for costs to the satisfaction of the county court, appeal to the High Court of Justice in a summary manner, or by special case or otherwise, as may be prescribed by rules of court to be made by the Supreme Court of Judicature in manner provided by the seventeenth section of the Supreme Court of Judicature Act, 1875.

The appellate court may on hearing the appeal reverse, modify, or confirm the injunction or order complained of, or remit the case to the county court from which the appeal lay, with instructions to deal with the case according to the directions given by the appellate court.

Where an appeal is lodged against the order of a county court directing the removal or abatement of any inclosure, encroachment, or nuisance, such order shall be suspended during such time as such appeal is pending.

Nothing in this Act contained shall abridge or interfere with any existing right of abating or otherwise preventing any illegal inclosure of or encroachment on any common, or any nuisance interfering with any right of common.

Until rules of court are made for the purposes of this section, an appeal may be had from the decision of any county court under this section in the same manner in which an appeal from the decision of a county court may be had in a case within its ordinary jurisdiction.

Three months notice of claim to inclose to be given in the local papers.

31. Any person intending to inclose or approve a common or part of a common otherwise than under the provisions of this Act shall give notice to all persons claiming any legal right in such common or part of a common, by publishing, at least three months beforehand, a statement of his intention to make such inclosure, for three successive times, and in two or more of the principal local newspapers in the county, town, or district in which the common or part of a common proposed to be inclosed is situate; but the provisions of this section shall not apply to any commons or waste lands whereon the rights of common are vested solely in the lord of the manor.

A production of a newspaper containing such advertisement as aforesaid shall be evidence of the same having been issued, and the inclosure shall, until the contrary is proved, be deemed to have taken place at the time specified in such advertisement.

Appointment of valuer to be [illegible]

32. An appointment of a valuer after the passing of this Act shall not be valid until it has been confirmed by the Com-

missioners. The Commissioners may disapprove of a valuer on the ground of his incompetency, interest, want of impartiality, or any reasonable cause, and where they so disapprove of a valuer may call a meeting, and a meeting may be held to appoint, and another person appointed (subject to the approval of the Commissioners) to be valuer in like manner as if no previous meeting had been held and no valuer had been previously appointed, and so on until a valuer approved by the Commissioners is appointed.

confirmed by Commissioners.

General Amendment.

33. The provisions of section one hundred and five of the Inclosure Act, 1845, relating to the validity after confirmation of an award of inclosure of the exchanges, and partitions set forth in such award, shall apply to orders of exchange, partition, and division of intermixed lands carried into effect in pursuance of the Inclosure Acts, 1845 to 1868, by separate orders, and not included in an award of inclosure.

Extension of sec. 105 of the Inclosure Act, 1845, as to exchanges and partitions.

Part III.

Miscellaneous.

34. There shall be repealed so much of section thirty of the Inclosure Act, 1845, as prescribes a limit to the quantity of land to be allotted to recreation grounds; also the twenty-fourth, twenty-fifth, twenty-sixth, and twenty-seventh sections of the Inclosure Act, 1845, and the Inclosure Commissioners shall not be required to repeat, in their general annual report, any of the particulars in relation to the regulation or inclosure of commons which they may have stated in any other reports made by them in pursuance of this Act in relation to such commons, but they may refer to such other reports, or give a summary thereof, or otherwise deal with the same as may be thought expedient.

Repeal of certain parts of the Inclosure Act, 1845, and amendment of law as to reports.

35. This Act, save as herein expressly provided, shall not apply to any metropolitan common within the meaning of the Metropolitan Commons Acts, 1866 and 1869.

Act not to apply to metropolitan commons.

36. Where an Act of Parliament has been passed confirming a provisional order under this Act for the regulation of a common, then, subject to and without prejudice to the provisions of that order, such common shall not, nor shall any part thereof, be inclosed without the sanction of Parliament subsequently obtained.

A common regulated under Act not to be inclosed without sanction of Parliament.

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Definitions.

Definitions.

37. In this Act, unless the context otherwise requires,—

"A common" means any land subject to be inclosed under the Inclosure Acts, 1845 to 1868:

"Waste land of a manor" means and includes any land consisting of waste land of any manor on which the tenants of such manor have rights of common, or of any land subject to any rights of common which may be exercised at all times of the year for cattle levant and couchant, or to any rights of common which may be exercised at all times of the year, and are not limited by number or stints:

"Person" includes a body corporate:

"Inclosure Acts, 1845 to 1868," means the Acts mentioned in the schedule hereto, and each of the Acts mentioned in the said schedule may be cited by the short title in such schedule in that behalf mentioned; and the above mentioned Acts together with this Act may be cited as "The Inclosure Acts, 1845 to 1876":

"Municipal borough" means any place for the time being subject to the Act of the session of the fifth and sixth years of the reign of King William the Fourth, chapter seventy-six, intituled "An Act to provide for the regulation of "municipal corporations in England and Wales," and the Acts amending the same:

"Improvement Act district" means any area subject to the jurisdiction of any commissioners, trustees, or other persons invested by any local Act of Parliament with powers of improving, cleansing, lighting, or paving any town:

"Local government district" has the same meaning as it has in the Public Health Act, 1875.

SCHEDULE.

Year and Chapter.	Title.	Short Title.
8 & 9 Vict. c. 118.	An Act to facilitate the inclosure and improvement of commons and lands held in common, the exchange of lands, and the division of intermixed lands; to provide remedies for defective or incomplete executions, and for the non-execution of the powers of general and local Inclosure Acts, and to provide for the revival of such powers in certain cases.	The Inclosure Act, 1845.
9 & 10 Vict. c. 70.	An Act to amend the Act to facilitate the inclosure and improvement of commons.	The Inclosure Act, 1846.
10 & 11 Vict. c. 111.	An Act to extend the provisions of the Act for the inclosure and improvement of commons.	The Inclosure Act, 1847.
11 & 12 Vict. c. 99.	An Act to further extend the provisions of the Act for the inclosure and improvement of commons.	The Inclosure Act, 1848.
12 & 13 Vict. c. 83.	An Act further to facilitate the inclosure of commons and the improvement of commons and other lands.	The Inclosure Act, 1849.
14 & 15 Vict. c. 53.	An Act to consolidate and continue the Copyhold and Inclosure Commissions, and to provide for the completion of proceedings under the Tithe Commutation Acts.	The Inclosure Commissioners Act, 1851.
15 & 16 Vict. c. 79.	An Act to amend and further extend the Acts for the inclosure, exchange, and improvement of land.	The Inclosure Act, 1852.
17 & 18 Vict. c. 97.	An Act to amend and extend the Acts for the inclosure, exchange, and improvement of land.	The Inclosure Act, 1854.
20 & 21 Vict. c. 31.	An Act to explain and amend the Inclosure Acts.	The Inclosure Act, 1857.
22 & 23 Vict. c. 43.	An Act to amend and extend the provisions of the Acts for the inclosure, exchange, and improvement of land.	The Inclosure Act, 1859.
31 & 32 Vict. c. 89.	An Act to alter certain provisions in the Acts for the commutation of tithes, the Copyhold Acts, and the Acts for the inclosure, exchange, and improvement of land, and to make provision towards the expense of the Copyhold, Inclosure and Tithe Office.	The Inclosure, &c. Expenses Act, 1868.

LONDON: Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 57.

An Act to amend the Law respecting the holding of Winter Assizes. [11th August 1876.]

A.D. 1876.

WHEREAS it is usual to hold winter assizes in some counties, and not to hold them in other counties in which there are but few prisoners awaiting trial, and it is expedient to provide for the more speedy trial of such last-mentioned prisoners:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Winter Assizes Act, 1876.

Short title.

2. Where it appears to Her Majesty that by reason of the small number of prisoners or otherwise it is usually inexpedient to hold separate winter assizes for any county, it shall be lawful for Her Majesty by Order in Council from time to time to provide in such manner and subject to such regulations as to Her Majesty may seem meet for all or any of the following matters:

Power by Order in Council to unite counties for purpose of winter assizes.

(1.) For uniting such county for the purpose of winter assizes to any neighbouring county or counties; and

(2.) For the appointment of the place or places at which winter assizes are to be held for such united counties, with power to direct that they shall be held at different places in different years; and

(3.) For the jurisdiction of the court and the attendance, jurisdiction, authority, and duty of sheriffs, gaolers, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, inquisitions, and documents, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may

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Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Winter Assizes Act, 1876.

Short title.

2. Where it appears to Her Majesty that by reason of the small number of prisoners or otherwise it is usually inexpedient to hold separate winter assizes for any county, it shall be lawful for Her Majesty by Order in Council from time to time to provide in such manner and subject to such regulations as to Her Majesty may seem meet for all or any of the following matters:

Power by Order in Council to unite counties for purpose of winter assizes.

(1.) For uniting such county for the purpose of winter assizes to any neighbouring county or counties; and

(2.) For the appointment of the place or places at which winter assizes are to be held for such united counties, with power to direct that they shall be held at different places in different years; and

(3.) For the jurisdiction of the court and the attendance, jurisdiction, authority, and duty of sheriffs, gaolers, officers, jurors, and persons, the use of any prison, the removal of prisoners, the alteration of any commissions, writs, precepts, indictments, recognizances, proceedings, and documents, the transmission of recognizances, inquisitions, and documents, and the expenses of prosecutors and witnesses, and of maintaining and removing prisoners, so far as may

A.D. 1876.

seem to Her Majesty necessary for carrying into effect an Order in Council under this Act; and

(4.) For any matters which appear to Her Majesty to be necessary or proper for carrying into effect an Order in Council under this Act.

An Order in Council purporting to be made in pursuance of this Act shall be deemed to be within the powers of this Act, and shall while it is in force have effect as if it were enacted in this Act, and for all the purposes of the holding of the winter assizes the counties united by the Order shall, subject to the provisions of the Order, be deemed to be one county, and the winter assizes held in and for such united county shall be deemed also to be held in and for each of the constituent counties.

Provision as to Order in Council.

3. Her Majesty may from time to time by Order in Council revoke, alter, or add to any Order made in pursuance of this Act.

Every Order in Council made in pursuance of this Act shall be published in the London Gazette and laid before both Houses of Parliament within one month after it is made, if Parliament is then sitting, and if not, within one month after the then next meeting of Parliament.

Application of existing Acts as to alteration of circuits.

4. All enactments relating to the power of Her Majesty to alter the circuits of the judges, or places at which assizes are holden, or otherwise relating to assizes and circuits, shall apply and may be put in force for the purpose of carrying into effect this Act or any Order made thereunder.

Provision for neighbouring counties to Central Criminal Court district.

5. It shall be lawful for Her Majesty from time to time by Order in Council to direct that, subject to any exceptions contained in the Order, the jurisdiction of the justices and judges of the Central Criminal Court at any session of oyer and terminer and gaol delivery held for the Central Criminal Court district in the months of November, December, or January shall extend to any neighbouring county or part of a county mentioned in the Order as if such county or part of a county were included within the limits of the Central Criminal Court district, and to apply, with such modifications and exceptions (if any) as to Her Majesty may seem fit, the Central Criminal Court Act to the said county or part of a county and offences committed therein as if the same were a county or part of a county mentioned in that Act.

An Order in Council purporting to be made in pursuance of this section shall be deemed to be within the powers of this Act, and shall, while it is in force, have effect as if it were enacted in this Act.

A.D. 1876.

Definitions.

6. In this Act—

The expression "winter assizes" means any court of assize or any sessions of oyer and terminer or gaol delivery held in the month of November, the month of December, or the month of January.

The expression "Central Criminal Court district" means the district within the limits of the Act of the session of the fourth and fifth years of the reign of King William the Fourth, chapter thirty-six, intituled "An Act for establishing a new "court for the trial of offences committed in the metropolis "and parts adjoining;" and the expression "Central Criminal "Court Act" means the last-mentioned Act.

The expression "county" in this Act shall include any county of a city or county of a town, and any such division of any county as is constituted by Order in Council under the Act passed in the third and fourth years of King William the Fourth, chapter seventy-one, and intituled "An Act for the "appointment of convenient places for the holding of Assizes "in England and Wales."

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 58.

An Act to amend the Law relating to Parochial Records. A.D. 1876.

[11th August 1876.]

WHEREAS doubts have arisen as to whether the Public Records (Ireland) Act, 1867, Amendment Act, 1875, applies to marriage register books kept in duplicate under 7 & 8 Vict. c. 81. by the officiating ministers of the Church in the said Act referred to as the Church of Ireland, or in this Act referred to as the said Church; and it is desirable that said doubts should be removed, and the said books excluded from the operation of the said Public Records (Ireland) Act, 1867, Amendment Act, 1875:

And whereas books called or known as "vestry books," containing entries relating to matters other than baptisms, burials, and marriages, have been kept in many parishes in Ireland, and it is desirable that same should not be removed from said parishes, and accordingly that same should not be deemed "records" within the meaning of the said last-mentioned Act:

And whereas many parishes contain fit and secure buildings for the safe custody of their records, and other parishes may hereafter construct or obtain such fit and secure buildings, and it is desirable to give the Master of the Rolls in Ireland special powers to deal with such cases:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Parochial Records Act, 1876. Short title.

2. The description "Master of the Rolls" shall mean "Master of the Rolls of Ireland." Interpretation.

3. The Public Records (Ireland) Act, 1867, the Public Records (Ireland) Act, 1867, Amendment Act, 1875, and this Act, shall be read and construed together as one Act. Act to be read wiht other Acts.

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"Record" in 38 & 39 Vict. c. 59. shall not include marriage or vestry books, and such books, if removed, shall be restored.

4. The term "record" in the Public Records (Ireland) Act, 1867, Amendment Act, 1875, shall not mean or be held to apply to any marriage register books kept pursuant to the provisions of "the Act for Marriages in Ireland" (7 & 8 Vict. c. 81.), nor to any vestry books which contain entries exclusively relating to matters other than baptisms, burials, and marriages; and in any cases where such books have been removed by order of the Master of the Rolls they shall be committed by a further order of the Master of the Rolls to the charge of any rector, vicar, or curate of the said Church in the parish to which such records belong.

Master of Rolls may make special orders in case of parish with fit and safe buildings for records.

5. The Master of the Rolls may, if satisfied by a report or reports to be from time to time made to him on his request by one of their officials nominated in that behalf by the Commissioners of Public Works in Ireland (the said Commissioners being hereby authorised and required on the request of the Master of the Rolls to obtain such report or reports) that "records" are kept in fit and safe buildings, and that due provision is made for their safe custody, order and permit the same to remain in the care of any rector, vicar, or curate of the said Church in the parish to which such records belong; and may, in the case of parishes where records have been removed by the Master of the Rolls before this Act, if satisfied by such report as aforesaid that fit and safe accommodation has been provided for said records, and due provision made for their future custody, order said records to be committed to the charge of any rector, vicar, or curate of the said Church in the parish to which such records belong: Provided always, that the Master of the Rolls may at any time, if satisfied that any records permitted to be retained or committed to such charge as aforesaid under this section are kept in unfit and unsafe buildings, or that due provision is not made for their safe custody, as soon as conveniently may be, issue warrants directed to the several persons having the care of any such record or records, ordering such persons to allow the same to be removed from its or their place of custody, and deposited in the Record Office; and such records shall in all particulars be regarded as within all the provisions of the Public Records (Ireland) Act, 1867, Amendment Act, 1875, and the orders made in relation thereto shall have the same effect, and be attended with the same consequences, as if made under said Act.

Annual reports to be made to the Master of the Rolls.

6. Every rector, vicar, or curate to whose custody any such records shall be entrusted under the provisions of this Act, shall once in every year make a report to the Master of the Rolls, at such time and in such form as the Master of the Rolls shall from time to time

prescribe, touching the condition and the safety of the records so entrusted to him, and of the building in which the same are kept.

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Powers of examining and certifying copies of records extended to third officer in Record Office.

7. All the powers of examining and certifying copies of records conferred by the said recited Acts upon the Deputy Keeper of the Records and the Assistant Deputy Keeper of the Records may at any time be exercised by the officer who shall be next in rank in the Public Record Office after the Assistant Deputy Keeper of the Records, and every copy of a record in the custody of the Master of the Rolls certified by such officer, and purporting to be sealed or stamped with the seal of the Public Record Office, shall be received as evidence in every court of justice and before any legal tribunal, and before either House of Parliament or any committee of either House, without any further or other proof thereof, in every case in which the original record could have been received there as evidence.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Appellate Jurisdiction.

[39 & 40 Vict. Ch. 59.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Preliminary.

Clause.

1. Short title.
2. Commencement of Act.

Appeal.

3. Cases in which appeal lies to House of Lords.
4. Form of appeal to House of Lords.
5. Attendance of certain number of Lords of Appeal required at hearing and determination of appeals.
6. Appointment of Lords of Appeal in Ordinary by Her Majesty.

Supplemental Provisions.

7. Pension of Lord of Appeal in Ordinary.
8. Hearing and determination of appeals during prorogation of Parliament.
9. Hearing and determination of appeals during dissolution of Parliament.
10. Saving as to fiat of Attorney General.
11. Procedure under Act to supersede all other procedure.
12. Certain cases excluded from appeal.
13. Provision as to pending business.

Amendment of Acts.

14. Amendment of the Act of 34 & 35 Vict. c. 91. relating to the constitution of the Privy Council.
15. Amendment of the Supreme Court of Judicature Acts in relation to Her Majesty's Court of Appeal.
16. Orders in relation to conduct of business in Her Majesty's Court of Appeal.
17. Regulations as to business of High Court of Justice and divisional courts of High Court.

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Clause.

18. Power in certain events to fill vacancies occasioned in High Court of Justice by removal of Judges to Court of Appeal.

19. Attendance of Judges of High Court of Justice on Court of Appeal.

20. Amendment of Judicature Acts as to appeals from High Court of Justice in certain cases.

21. Continuation until 1st January 1878 of s. 34 of 38 & 39 Vict. c. 77. as to vacancies in legal offices.

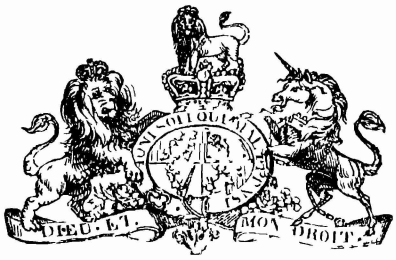
22. Appointment of deputy by district registrars.

23. Appointment of vice-admiral, judge, and officers of Vice-Admiralty Court.

Repeal and Definitions.

24. Repeal of certain sections of the Church Discipline Act and of the Supreme Court of Judicature Acts.

25. Definitions.



CHAPTER 59.

An Act for amending the Law in respect of the Appellate Jurisdiction of the House of Lords; and for other purposes. A.D. 1876.

[11th August 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Appellate Jurisdiction Act, 1876." Short title.

2. This Act shall, except where it is otherwise expressly provided, come into operation on the first day of November one thousand eight hundred and seventy-six, which day is herein-after referred to as the commencement of this Act. Commencement of Act.

Appeal.

3. Subject as in this Act mentioned an appeal shall lie to the House of Lords from any order or judgment of any of the courts following; that is to say, Cases in which appeal lies to House of Lords.

(1.) Of Her Majesty's Court of Appeal in England; and

(2.) Of any Court in Scotland from which error or an appeal at or immediately before the commencement of this Act lay to the House of Lords by common law or by statute; and

(3.) Of any Court in Ireland from which error or an appeal at or immediately before the commencement of this Act lay to the House of Lords by common law or by statute.

4. Every appeal shall be brought by way of petition to the House of Lords, praying that the matter of the order or judgment appealed against may be reviewed before Her Majesty the Queen in her Court of Parliament, in order that the said Court may determine what of right, and according to the law and custom of this realm, ought to be done in the subject-matter of such appeal. Form of appeal to House of Lords.

A.D. 1876.

Attendance of certain number of Lords of Appeal required at hearing and determination of appeals.

5. An appeal shall not be heard and determined by the House of Lords unless there are present at such hearing and determination not less than three of the following persons, in this Act designated Lords of Appeal; that is to say,

(1.) The Lord Chancellor of Great Britain for the time being; and

(2.) The Lords of Appeal in Ordinary to be appointed as in this Act mentioned; and

(3.) Such Peers of Parliament as are for the time being holding or have held any of the offices in this Act described as high judicial offices.

Appointment of Lords of Appeal in Ordinary by Her Majesty.

6. For the purpose of aiding the House of Lords in the hearing and determination of appeals, Her Majesty may, at any time after the passing of this Act, by letters patent appoint two qualified persons to be Lords of Appeal in Ordinary, but such appointment shall not take effect until the commencement of this Act.

A person shall not be qualified to be appointed by Her Majesty a Lord of Appeal in Ordinary unless he has been at or before the time of his appointment the holder for a period of not less than two years of some one or more of the offices in this Act described as high judicial offices, or has been at or before such time as aforesaid, for not less than fifteen years, a practising barrister in England or Ireland, or a practising advocate in Scotland.

Every Lord of Appeal in Ordinary shall hold his office during good behaviour, and shall continue to hold the same notwithstanding the demise of the Crown, but he may be removed from such office on the address of both Houses of Parliament.

There shall be paid to every Lord of Appeal in Ordinary a salary of six thousand pounds a year.

Every Lord of Appeal in Ordinary, unless he is otherwise entitled to sit as a member of the House of Lords, shall by virtue and according to the date of his appointment be entitled during his life to rank as a Baron by such style as Her Majesty may be pleased to appoint, and shall during the time that he continues in his office as a Lord of Appeal in Ordinary, and no longer, be entitled to a writ of summons to attend, and to sit and vote in the House of Lords; his dignity as a Lord of Parliament shall not descend to his heirs.

On any Lord of Appeal in Ordinary vacating his office, by death, resignation, or otherwise, Her Majesty may fill up the vacancy by the appointment of another qualified person.

A Lord of Appeal in Ordinary shall, if a Privy Councillor, be a member of the Judicial Committee of the Privy Council, and,

subject to the due performance by a Lord of Appeal in Ordinary of his duties as to the hearing and determining of appeals in the House of Lords, it shall be his duty, being a Privy Councillor, to sit and act as a member of the Judicial Committee of the Privy Council.

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Supplemental Provisions.

Pension of Lord of Appeal in Ordinary.

7. Her Majesty may by letters patent grant to any Lord of Appeal in Ordinary, who has served for fifteen years, or is disabled by permanent infirmity from the performance of the duties of his office, a pension by way of annuity to be continued during his life equal in amount to the pension which might under similar circumstances be granted to the Master of the Rolls, in pursuance of the Supreme Court of Judicature Act, 1873.

Previous service in any office described in this Act as a high judicial office shall for the purposes of pension be deemed equivalent to service in the office of a Lord of Appeal in Ordinary under this Act.

The salary and pension payable to a Lord of Appeal in Ordinary shall be charged on and paid out of the Consolidated Fund of the United Kingdom, and shall accrue due from day to day, and shall be payable to the person entitled thereto, or to his executors and administrators, at such intervals in every year, not being longer than three months, as the Treasury may from time to time determine.

Hearing and determination of appeals during prorogation of Parliament.

8. For preventing delay in the administration of justice, the House of Lords may sit and act for the purpose of hearing and determining appeals, and also for the purpose of Lords of Appeal in Ordinary taking their seats and the oaths, during any prorogation of Parliament, at such time and in such manner as may be appointed by order of the House of Lords made during the preceding session of Parliament; and all orders and proceedings of the said House in relation to appeals and matters connected therewith during such prorogation, shall be as valid as if Parliament had been then sitting, but no business other than the hearing and determination of appeals and the matters connected therewith, and Lords of Appeal in Ordinary taking their seats and the oaths as aforesaid, shall be transacted by such House during such prorogation.

Any order of the House of Lords may for the purposes of this Act be made at any time after the passing of this Act.

Hearing and determination of appeals during dissolution of Parliament.

9. If on the occasion of a dissolution of Parliament Her Majesty is graciously pleased to think that it would be expedient, with a view to prevent delay in the administration of justice, to provide for the hearing and determination of appeals during such dissolution, it shall

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be lawful for Her Majesty, by writing under her Sign Manual, to authorise the Lords of Appeal in the name of the House of Lords to hear and determine appeals during the dissolution of Parliament, and for that purpose to sit in the House of Lords at such times as may be thought expedient; and upon such authority as aforesaid being given by Her Majesty, the Lords of Appeal may, during such dissolution, hear and determine appeals and act in all matters in relation thereto in the same manner in all respects as if their sittings were a continuation of the sittings of the House of Lords, and may in the name of the House of Lords exercise the jurisdiction of the House of Lords accordingly.

Saving as to fiat of Attorney General.

10. An appeal shall not be entertained by the House of Lords without the consent of the Attorney General or other law officer of the Crown in any case where proceedings in error or on appeal could not hitherto have been had in the House of Lords without the fiat or consent of such officer.

Procedure under Act to supersede all other procedure.

11. After the commencement of this Act error shall not lie to the House of Lords, and an appeal shall not lie from any of the courts from which an appeal to the House of Lords is given by this Act, except in manner provided by this Act, and subject to such conditions as to the value of the subject-matter in dispute, and as to giving security for costs, and as to the time within which the appeal shall be brought, and generally as to all matters of practice and procedure, or otherwise, as may be imposed by orders of the House of Lords.

Certain cases excluded from appeal.

12. Except in so far as may be authorised by orders of the House of Lords an appeal shall not lie to the House of Lords from any court in Scotland or Ireland in any case, which according to the law or practice hitherto in use, could not have been reviewed by that House, either in error or on appeal.

Provision as to pending business.

13. Nothing in this Act contained shall affect the jurisdiction of the House of Lords in respect of any error or appeal pending therein at the time of the commencement of this Act, and any such error or appeal may be heard and determined, and all proceedings in relation thereto may be conducted, in the same manner in all respects as if this Act had not passed.

Amendment of Acts.

Amendment of the Act of 34 & 35 Vict. [illegible]1. re-

14. Whereas by the Act of the session of the thirty-fourth and thirty-fifth years of the reign of Her present Majesty, chapter ninety-one, intituled "An Act to make further provision for the

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lating to the constitution of the Privy Council.

"despatch of business by the Judicial Committee of the Privy "Council," Her Majesty was empowered to appoint and did appoint four persons qualified as in that Act mentioned to act as members of the Judicial Committee of the Privy Council at such salaries as are in the said Act mentioned, in this Act referred to as paid Judges of the Judicial Committee of the Privy Council:

And whereas the power given by the said Act of filling any vacancies occasioned by death, or otherwise, in the offices of the persons so appointed, has lapsed by efflux of time, and Her Majesty has no power to fill any such vacancies:

Be it enacted, that whenever any two of the paid Judges of the Judicial Committee of the Privy Council have died or resigned, Her Majesty may appoint a third Lord of Appeal in Ordinary in addition to the Lords of Appeal in Ordinary herein-before authorised to be appointed, and on the death or resignation of the remaining two paid Judges of the Judicial Committee of the Privy Council Her Majesty may appoint a fourth Lord of Appeal in Ordinary in addition to the Lords of Appeal in Ordinary aforesaid; and may from time to time fill up any vacancies occurring in the offices of such third and fourth Lord of Appeal in Ordinary.

Any Lord of Appeal in Ordinary appointed in pursuance of this section shall be appointed in the same manner, hold his office by the same tenure, be entitled to the same salary and pension, and in all respects be in the same position as if he were a Lord of Appeal in Ordinary appointed in pursuance of the power in this Act before given to Her Majesty.

Her Majesty may by Order in Council, with the advice of the Judicial Committee of Her Majesty's Privy Council or any five of them, of whom the Lord Chancellor shall be one, and of the archbishops and bishops being members of Her Majesty's Privy Council, or any two of them, make rules for the attendance, on the hearing of ecclesiastical cases as assessors of the said Committee of such number of the archbishops and bishops of the Church of England as may be determined by such rules.

The rules may provide for the assessors being appointed for one or more year or years, or by rotation or otherwise, and for filling up any temporary or other vacancies in the office of assessor.

Any rule made in pursuance of this section shall be laid before each House of Parliament within forty days after it is made if Parliament be then sitting, or, if not then sitting, within forty days after the commencement of the then next session of Parliament.

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If either House of Parliament present an address to Her Majesty within forty days after any such rule has been laid before such House, praying that any such rule may be annulled, Her Majesty may thereupon by Order in Council annul the same, and the rule so annulled shall thenceforth become void, but without prejudice nevertheless to the making of any other rule in its place, or to the validity of anything which may in the meantime have been done under any such rule.

Amendment of the Supreme Court of Judicature Acts in relation to Her Majesty's Court of Appeal.

15. Whereas it is expedient to amend the constitution of Her Majesty's Court of Appeal in manner herein-after mentioned: Be it enacted, that there shall be repealed so much of the fourth section of "The Supreme Court of Judicature Act, 1875," as provides that the ordinary Judges of Her Majesty's Court of Appeal (in this Act referred to as "the Court of Appeal") shall not exceed three at any one time.

In addition to the number of ordinary Judges of the Court of Appeal authorised to be appointed by "The Supreme Court of Judicature Act, 1875," Her Majesty may appoint three additional ordinary Judges of that court.

The first three appointments of additional Judges under this Act shall be made by such transfer to the Court of Appeal as is in this section mentioned of three Judges of the High Court of Justice, and the vacancies so created in the High Court of Justice shall not be filled up, except in the event and to the extent herein-after mentioned.

Her Majesty may by writing, under her Sign Manual, either before or after the commencement of this Act, but so as not to take effect until the commencement thereof, transfer to the Court of Appeal from the following Divisions of the High Court of Justice, that is to say, the Queen's Bench Division, the Common Pleas Division, and the Exchequer Division, such of the Judges of the said Divisions, not exceeding three in number, as to Her Majesty may seem meet, each of whom shall have been a Judge of any one or more of such Divisions for not less than two years previously to his appointment, and shall not be an ex-officio Judge of the Court of Appeal, and every Judge so transferred shall be deemed an additional ordinary Judge of the Court of Appeal in the same manner as if he had been appointed such Judge by letters patent. No Judge shall be so transferred without his own consent.

Every additional ordinary Judge of the said Court of Appeal appointed in pursuance of this Act shall be subject to the provisions of sections twenty-nine and thirty-seven of "The Supreme Court of Judicature Act, 1873," and shall be under an obligation

to go circuits and to act as Commissioner under commissions of assize or other commissions authorised to be issued in pursuance of the said Act, in the same manner in all respects as if he were a Judge of the High Court of Justice. A.D. 1876.

There shall be paid to every additional ordinary Judge appointed in pursuance of this Act, in addition to the salary which he would otherwise receive as an ordinary Judge of the Court of Appeal, such sum on account of his expenses on circuit or under such commission as aforesaid as may be approved by the Treasury upon the recommendation of the Lord Chancellor.

Each of the Judges of the High Court of Justice who is in pursuance of this Act transferred to the Court of Appeal, by writing under the Sign Manual of Her Majesty, shall retain such officers as are attached to his person as such Judge, and are appointed and removeable by him at his pleasure, in pursuance of "The Supreme Court of Judicature Act, 1873," and the officers so attached shall have the same rank, and hold their offices by the same tenure, and upon the same terms and conditions, and receive the same salaries, and if entitled to pensions be entitled to the same pensions, and shall, as nearly as may be, perform the same duties as if the Judges to whom they are attached had not been transferred to the Court of Appeal.

Subject as aforesaid, the provisions of the Supreme Court of Judicature Acts, 1873 and 1875, for the time being in force in relation to the appointment of ordinary Judges of Her Majesty's Court of Appeal, and to their tenure of office, and to their precedence, and to their salaries and pensions, and to the officers to be attached to such Judges, and all other provisions relating to such ordinary Judges, shall apply to the additional ordinary Judges appointed in pursuance of this section in the same manner as they apply to the other ordinary Judges of the said Court.

For the purpose of a transfer to the Court of Appeal under this section, service as a Judge in a court whose jurisdiction is transferred to the High Court shall be deemed to have been service as a Judge in any one or more of such Divisions of the High Court as are in this section in that behalf mentioned; and for the purpose of the pension of any person appointed under this Act an additional ordinary Judge of appeal, service in the High Court of Justice, or in any Court whose jurisdiction is transferred to the High Court of Justice or to the Court of Appeal, shall be deemed to have been service in the Court of Appeal.

16. Orders for constituting and holding divisional courts of the Court of Appeal, and for regulating the sittings of the Court of Orders in relation to conduct of

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business in Her Majesty's Court of Appeal.

Appeal, and of the divisional courts of appeal, may be made, and when made, in like manner rescinded or altered, by the President of the Court of Appeal, with the concurrence of the ordinary Judges of the Court of Appeal, or any three of them; and so much of section seventeen of "The Supreme Court of Judicature Act, 1875," as relates to the regulation of any matters subject to be regulated by orders under this section, and so much of any rules of court as may be inconsistent with any order made under this section, shall be repealed, without prejudice nevertheless to any rules of court made in pursuance of the section so repealed, so long as such rules of court remain unaffected by orders made in pursuance of this section.

Regulations as to business of High Court of Justice and divisional courts of High Court.

17. On and after the first day of December one thousand eight hundred and seventy-six, every action and proceeding in the High Court of Justice, and all business arising out of the same, except as is herein-after provided, shall, so far as is practicable and convenient, be heard, determined, and disposed of before a single Judge, and all proceedings in an action subsequent to the hearing or trial, and down to and including the final judgment or order, except as aforesaid, and always excepting any proceedings on appeal in the Court of Appeal, shall, so far as is practicable and convenient, be had and taken before the Judge before whom the trial or hearing of the cause took place: Provided nevertheless, that divisional courts of the High Court of Justice may be held for the transaction of any business which may for the time being be ordered by rules of court to be heard by a divisional court; and any such divisional court when held shall be constituted of two Judges of the court and no more, unless the President of the Division to which such divisional court belongs, with the concurrence of the other Judges of such Division, or a majority thereof, is of opinion that such divisional court should be constituted of a greater number of Judges than two, in which case such court may be constituted of such number of Judges as the President, with such concurrence as aforesaid, may think expedient; nevertheless the decisions of a divisional court shall not be invalidated by reason of such court being constituted of a greater number than two Judges; and

Rules of court for carrying into effect the enactments contained in this section shall be made on or before the first day of December one thousand eight hundred and seventy-six, and may be afterwards altered, and all rules of court to be made after the passing of this Act, whether made under "The Supreme Court of Judicature Act, 1875," or this Act, shall be made by any three or more of the following persons, of whom the Lord Chancellor shall be one,

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namely, the Lord Chancellor, the Lord Chief Justice of England, the Master of the Rolls, the Lord Chief Justice of the Common Pleas, the Lord Chief Baron of the Exchequer, and four other Judges of the Supreme Court of Judicature, to be from time to time appointed for the purpose by the Lord Chancellor in writing under his hand, such appointment to continue for such time as shall be specified therein, and all such rules of court shall be laid before each House of Parliament within such time and subject to be annulled in such manner as is provided by "The Supreme Court of Judicature Act, 1875."

There shall be repealed on and after the first day of December one thousand eight hundred and seventy-six so much of sections forty, forty-one, forty-two, forty-three, forty-four, and forty-six of "The Supreme Court of Judicature Act, 1873," as is inconsistent with the provisions of this section.

Power in certain events to fill vacancies occasioned in High Court of Justice by removal of Judges to Court of Appeal.

18. Whenever any two of the said paid Judges of the Judicial Committee of the Privy Council have died or resigned, Her Majesty may, upon an address from both Houses of Parliament, representing that the state of business in the High Court of Justice is such as to require the appointment of an additional Judge, fill up one of the vacancies created by the transfer herein-before authorised, by appointing one new Judge of the said High Court in any Division thereof; and on the death or retirement of the remaining two paid Judges of the said Judicial Committee, Her Majesty may, upon the like address, fill up in like manner another of the said vacancies, and from time to time fill up any vacancies occurring in the offices of Judges so appointed.

Attendance of Judges of High Court of Justice on Court of Appeal.

19. Where a Judge of the High Court of Justice has been requested to attend as an additional Judge at the sittings of the Court of Appeal under section four of "The Supreme Court of Judicature Act, 1873," such Judge shall, although the period has expired during which his attendance was requested, attend the sittings of the Court of Appeal for the purpose of giving judgment or otherwise in relation to any case which may have been heard by the Court of Appeal during his attendance on the Court of Appeal.

Amendment of Judicature Acts as to appeals from High Court of Justice in certain cases.

20. Where by Act of Parliament it is provided that the decision of any Court or Judge the jurisdiction of which Court or Judge is transferred to the High Court of Justice is to be final, an appeal shall not lie in any such case from the decision of the High Court of Justice, or of any Judge thereof, to Her Majesty's Court of Appeal.

Continuation until 1st Jan. 1878 of s. 34.

21. Whereas by section thirty-four of "The Supreme Court of Judicature Act, 1875," it is enacted that upon the occurrence of

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of 38 & 39 Vict. c. 77. as to vacancies in legal offices.

any vacancy in an office coming within the provisions of section seventy-seven of "The Supreme Court of Judicature Act, 1873," the Lord High Chancellor of Great Britain may, with the concurrence of the Treasury, suspend the making any appointment to such office for any period not later than the first day of January one thousand eight hundred and seventy-seven, and may, if it be necessary, make provision in such manner as he thinks fit for the temporary discharge in the meantime of the duties of such office, and it is expedient to extend the said period as herein-after mentioned: Be it therefore enacted as follows:

The said section shall be construed as if the first day of January one thousand eight hundred and seventy-eight were therein inserted in lieu of the first day of January one thousand eight hundred and seventy-seven.

Appointment of deputy by district registrars.

22. A district registrar of the Supreme Court of Judicature may from time to time, but in each case with the approval of the Lord Chancellor and subject to such regulations as the Lord Chancellor may from time to time make, appoint a deputy, and all acts authorised or required to be done by, to, or before a district registrar may be done by, to, or before any deputy so appointed: Provided always, that in no case such appointment shall be made for a period exceeding three months. This section shall come into force at the time of the passing of this Act.

Appointment of vice-admiral, judge, and officers of Vice-Admiralty Court.

23. Whereas by "The Vice-Admiralty Courts Act, 1863," it is enacted, that "nothing in this Act contained shall be taken to "affect the power of the Admiralty to appoint any vice-admiral, "or any judge, registrar, marshal, or other officer of any Vice-"Admiralty Court, as heretofore, by warrant from the Admiralty, "and by letters patent issued under the seal of the High Court of "Admiralty of England:"

And whereas since the commencement of the Supreme Court of Judicature Acts, 1873 and 1875, doubts have arisen with respect to the exercise of the said power of the Admiralty, and it is expedient to remove such doubts: Be it therefore enacted as follows:

Any power of the Admiralty to appoint or cancel the appointment of a vice-admiral, or a judge, registrar, marshal, or other officer of a Vice-Admiralty Court, may, after the passing of this Act, be exercised by some writing under the hands of the Admiralty, and the seal of the office of Admiralty, and in such form as the Admiralty from time to time direct.

Every appointment so made shall have the same effect, and every vice-admiral, judge, registrar, marshal, and other officer so appointed shall have the same jurisdiction, power, and authority, and be subject

to the same obligation, as if he had been appointed before the commencement of the Supreme Court of Judicature Acts, 1873 and 1875, under the seal of the High Court of Admiralty of England. A.D. 1876.

"Admiralty" in this section means the Lord High Admiral, or the Commissioners for executing his office, or any two of such Commissioners.

Repeal and Definitions.

24. Section sixteen of the Act for better enforcing Church Discipline, passed in the session of the third and fourth years of the reign of Her present Majesty, chapter eighty-six, and sections twenty, twenty-one, and fifty-five of the Supreme Court of Judicature Act, 1873, and section two of the Supreme Court of Judicature Act, 1875, shall be repealed (with the exception of so much of section two as declares the day on which that Act is to commence). Repeal of certain sections of the Church Discipline Act and of the Supreme Court of Judicature Acts.

25. In this Act, if not inconsistent with the context, the following expressions have the meaning herein-after respectively assigned to them; that is to say, Definitions:

"High judicial office" means any of the following offices; that is to say, "high judicial office:"

The office of Lord Chancellor of Great Britain or Ireland, or of paid Judge of the Judicial Committee of the Privy Council, or of Judge of one of Her Majesty's superior courts of Great Britain and Ireland:

"Superior courts of Great Britain and Ireland" means and includes,— "superior courts:"

As to England, Her Majesty's High Court of Justice and Her Majesty's Court of Appeal, and the superior courts of law and equity in England as they existed before the constitution of Her Majesty's High Court of Justice; and

As to Ireland, the superior courts of law and equity at Dublin; and

As to Scotland, the Court of Session:

"Error" includes a writ of error or any proceedings in or by way of error. "error."

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 60.

An Act to apply a sum out of the Consolidated Fund to the service of the year ending the thirty-first day of March one thousand eight hundred and seventy-seven, and to appropriate the Supplies granted in this Session of Parliament. A.D. 1876.

[15th August 1876.]

Most Gracious Sovereign,

WE, Your Majesty's most dutiful and loyal subjects, the Commons of the United Kingdom of Great Britain and Ireland in Parliament assembled, towards making good the supply which we have cheerfully granted to Your Majesty in this session of Parliament, have resolved to grant unto Your Majesty the sum herein-after mentioned; and do therefore most humbly beseech Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Grant out of Consolidated Fund.

Issue of 28,703,043*l.* out of the Consolidated Fund.

1. The Commissioners of Her Majesty's Treasury for the time being may issue out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, and apply towards making good the supply granted to Her Majesty for the service of the year ending on the thirty-first day of March one thousand eight hundred and seventy-seven, the sum of twenty-eight million seven hundred and three thousand and forty-three pounds.

Power for the Treasury to borrow.

2. The Commissioners of Her Majesty's Treasury may borrow from time to time on the credit of the said sum of twenty-eight million seven hundred and three thousand and forty-three pounds, any sum or sums of equal or less amount in the whole, and shall

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repay the moneys so borrowed, with interest not exceeding five pounds per centum per annum, out of the growing produce of the Consolidated Fund at any period not later than the next succeeding quarter to that in which the said sums were borrowed.

Any sums so borrowed shall be placed to the credit of the account of Her Majesty's Exchequer, and shall form part of the said Consolidated Fund, and be available in any manner in which such fund is available.

Appropriation of Grants.

Appropriation of sums voted for supply services.

3. All sums granted by this Act and the other Acts mentioned in Schedule (A.) annexed to this Act out of the said Consolidated Fund towards making good the supply granted to Her Majesty, amounting, as appears by the said Schedule, in the aggregate to the sum of fifty-three million eight hundred and twelve thousand five hundred and ninety-three pounds five shillings and one penny, are appropriated and shall be deemed to have been appropriated as from the date of the passing of the first of the Acts mentioned in the said Schedule (A.) for the purposes and services expressed in Schedule (B.) annexed hereto.

The abstract of schedules and schedules annexed hereto, with the notes (if any) to such schedules, shall be deemed to be part of this Act in the same manner as if they had been contained in the body thereof.

Treasury may, in certain cases of exigency, authorise expenditure unprovided for; provided that the aggregate grants for the navy services and for the army services respectively be not exceeded.

4. If a necessity arise for incurring expenditure not provided for in the sums appropriated to naval and military services by this Act, and which it may be detrimental to the public service to postpone until provision can be made for it by Parliament in the usual course, each of the departments entrusted with the control over the said services shall forthwith make application in writing to the Commissioners of Her Majesty's Treasury for their authority to defray temporarily such expenditure out of any surpluses which may have been or which may be effected by the saving of expenditure upon votes within the same department, and in such application the department shall represent to the Commissioners of the Treasury the circumstances which may render such additional expenditure necessary, and thereupon the said Commissioners may authorise the expenditure unprovided for as aforesaid to be temporarily defrayed out of any surpluses which may have been or which may be effected as aforesaid upon votes within the same department; and a statement showing all cases in which the naval and military departments have

obtained the sanction of the said Commissioners to any expenditure not provided for in the respective votes aforesaid, accompanied by copies of the representations made to them by the said departments, shall be laid before the House of Commons with the appropriation accounts of navy and army services for the year, in order that such proceedings may be submitted for the sanction of Parliament, and that provision may be made for the deficiencies upon the several votes for the said services in such manner as Parliament may determine.

The Commissioners of the Treasury shall not authorise any expenditure which may cause an excess upon the aggregate sums appropriated by this Act for naval services and for army services respectively.

Sanction for navy and army expenditure for 1874–75 unprovided for.

5. Whereas the Commissioners of the Treasury, under the powers vested in them by the Act of the session held in the thirty-seventh and thirty-eighth years of the reign of Her present Majesty, chapter fifty-six, have authorised expenditure not provided for in the sums appropriated by the said Act to certain votes for naval and military services for the year ended on the thirty-first day of March one thousand eight hundred and seventy-five, to be in part temporarily defrayed out of the balances unexpended in respect of the sums appropriated to certain other votes for naval and military services for the said year; viz.,

1st. Expenditure for certain navy services unprovided for, temporarily defrayed to the extent of eighty-three thousand five hundred and seventy-four pounds and sevenpence, out of the unexpended balances of certain other votes for navy services:

2d. Expenditure for certain army services unprovided for, temporarily defrayed to the extent of two hundred and eighty-one thousand two hundred and thirteen pounds eleven shillings, out of the unexpended balances of certain other votes for army services, and out of the sum realized in excess of the estimated appropriations in aid:

It is enacted, that the application of the said sums is hereby sanctioned.

Short title of Act.

6. This Act may be cited for all purposes as "The Appropriation Act, 1876."

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ABSTRACT

OF

SCHEDULES (A.) and (B.) to which this Act refers.

SCHEDULE (A.)

	£	s.	d.
Grants out of the Consolidated Fund - - -	53,812,593	5	1

SCHEDULE (B.)—APPROPRIATION OF GRANTS.

	£	£	s.	d.
Part 1. Deficiencies, 1874–75 - - -		265,559	5	1
„ 2. Supplementary, 1875–76 - - -		4,843,991	–	–
		5,109,550	5	1
1876–77 :—				
„ 3. Navy - - - - -		11,288,872	–	–
„ 4. Army - - - - -		15,281,600	–	–
„ 5. Charges defrayed by War Office on account of India - - - - -		170,000	–	–
„ 6. Army Purchase Commission - - -		464,200	–	–
„ 7. Civil Services, Class I. - -	1,417,113			
„ 8. Ditto, Class II. - -	2,569,902			
„ 9. Ditto, Class III. - -	4,944,613			
„ 10. Ditto, Class IV. - -	3,290,039			
„ 11. Ditto, Class V. - -	579,719			
„ 12. Ditto, Class VI. - -	558,068			
„ 13. Ditto, Class VII. - -	62,847			
TOTAL CIVIL SERVICES -		13,422,301	–	–
„ 14. Revenue departments, &c. - - -		7,930,318	–	–
„ 15 Advances for Greenwich Hospital and School -		145,752	–	–
£		53 812,593	5	1

SCHEDULE (A.)

GRANTS OUT OF THE CONSOLIDATED FUND.

	£	s.	d.	£	s.	d.
For the service of the years ending 31st March 1875 and 1876;						
Under Act 39 Vict. cap. 2.	-	-	-	4,080,000	–	–
Under Act 39 Vict. cap. 4.	-	-	-	1,029,550	5	1
For the service of the year ending 31st March 1877; viz.						
Under Act 39 Vict. cap. 4.	- 9,000,000	–	–			
Under Act 39 Vict. cap. 15.	- 11,000,000	–	–			
Under this Act -	- 28,703,043	–	–			
				48,703,043	–	–
TOTAL	-	-		53,812,593	5	1

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SCHED. (B.) PART 1.

Deficiencies.

SCHEDULE (B.)—PART 1.

DEFICIENCIES.

SCHEDULE of SUMS granted to make good deficiencies on the several grants herein particularly mentioned for the year ended on the 31st day of March 1875; viz.:—

	£	s.	d.	£	s.	d.
NAVY - - - - - -				238,255	4	6
CIVIL SERVICES.						
CLASS I.						
Royal Palaces - - - -	23	13	1			
Public Buildings - - -	2,460	12	2			
Furniture of Public Offices - -	6	17	1			
Houses of Parliament (Buildings) - -	372	3	5			
National Gallery, Enlargement - -	1,864	5	4			
Portland Harbour - - -	24	10	0			
Lighthouses Abroad - - -	1,763	7	9			
CLASS II.						
Home Office - - - -	73	1	8			
Privy Seal Office - - -	12	0	4			
Registrars of Friendly Societies - -	162	15	4			
Public Works Loan Commission, &c. -	19	4	7			
Stationery Office and Printing - -	4,110	8	1			
Exchequer and other Offices in Scotland -	9	19	10			
Fishery Board, Scotland - - -	27	19	0			
Register Office, General, Scotland - -	111	11	11			
Household of the Lord Lieutenant of Ireland	59	7	8			
CLASS III.						
Police, Counties and Boroughs, Great Britain	1,349	6	5			
Convict Establishments in England and the Colonies - - - -	924	10	6			
Law Charges and Criminal Prosecutions, Ireland - - - -	3,830	10	4			
Carried forward - -	17,206	4	6	238,255	4	6

Deficiencies.

	£	s.	d.	£	s.	d.
Class IV.						
Brought forward - - -	17,206	4	6	238,255	4	6
University of London - - -	13	19	10			
Class V.						
Diplomatic Services - - -	3,172	5	11			
Consular Services - - - -	645	0	5			
Class VI.						
Relief of Distressed British Seamen Abroad	2,185	16	1			
Class VII.						
Deep Sea Exploring Expedition - -	361	14	11			
				23,585	1	8
Greenwich Hospital and School - - - -				3,718	18	11
			£	265,559	5	1

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SCHED. (B.) PART 2. Supplementary.

SCHEDULE (B.)—PART 2.

SUPPLEMENTARY.

SCHEDULE of SUPPLEMENTARY SUMS granted to defray the charges for the Services herein particularly mentioned for the year ended on the 31st day of March 1876; viz.:—

Charges defrayed by War Office on account of India - -	£ 500,000	
ASHANTEE EXPEDITION:—		
Towards defraying the expense of the expedition into Ashantee - - - - -	£ 3,200	
CIVIL SERVICES.		
CLASS I.	£	
Royal Palaces - - - - -	4,750	
Sheriff Court Houses (Scotland) - - -	18,944	
National Gallery Enlargement - - -	1,233	
Ramsgate Harbour - - - - -	1,500	
Chapter House, Westminster - - - -	250	
Public Offices Site - - - - - -	36,920	
Public Buildings, Ireland - - - -	4,200	
British Embassy Houses and Consular and Legation Buildings - - - - - -	2,762	
CLASS II.		
Home Office and Subordinate Departments - -	1,200	
Colonial Office - - - - - -	1,450	
Charity Commission - - - - -	1,200	
Registry of Friendly Societies - - -	1,124	
Public Works Loan Commission, &c. - - -	329	
Stationery Office and Printing - - - -	27,900	
Public Works Office, Ireland - - - -	600	
Register Office, General, Ireland - - -	2,055	
Pauper Lunatics (Ireland) - - - -	1,256	
CLASS III.		
Law Charges - - - - - -	5,250	
Criminal Prosecutions, &c. - - -	5,000	
County and Borough Police, Great Britain - -	60,752	
Convict Establishments, England and the Colonies -	800	
Registry of Deeds, Ireland - - - -	376	
Dundrum Criminal Lunatic Asylum, Ireland -	369	
Carried forward - - -	180,220	503,200

	£	£
Brought forward - - -	180,220	503,200
CLASS V.		
Diplomatic services - - - - -	32,800	
Grants in aid of expenditure in certain colonies -	500	
Tonnage bounties, &c. - - - -	3,000	
CLASS VI.		
Superannuation and Retired Allowances -	5,000	
CLASS VII.		
Ashantee Expedition (Gratuities, &c.) - - -	9,330	
Mediterranean Extension Telegraph Company - -	6,249	
Repayments to Civil Contingencies Fund - -	8,192	
		245,291
Purchase Money of the Shares which belonged to the Khedive of Egypt in the Suez Canal, and Expenses attendant thereon - - - -		4,080,000
REVENUE DEPARTMENTS, &c.		
Inland Revenue - - - - -		6,500
Post Office Packet Service - - - -		9,000
		£ 4,843,991

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SCHED. (B.) PART 3.

Navy.

SCHEDULE (B.)—PART 3.

NAVY.

SCHEDULE of SUMS granted to defray the charges of the NAVY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For wages, &c. to 60,000 seamen and marines - -	2,634,904
2.	For victuals and clothing for seamen and marines - -	1,153,367
3.	For the expenses of the Admiralty Office - - -	189,820
4.	For the expense of the coast guard service, the royal naval reserve, and seamen and marine pensioners reserve, and royal naval artillery volunteers - - -	210,230
5.	For the expense of the several scientific departments of the navy - - - - - - - -	109,194
6.	For the expense of the dockyards and naval yards at home and abroad - - - - - -	1,323,750
7.	For the expense of the victualling yards at home and abroad	76,400
8.	For the expense of the medical establishments at home and abroad - - - - - - - - - -	65,830
9.	For the expense of the royal marine divisions - -	20,053
10.	For naval stores for the building, repairing, and outfitting the fleet and coast guard - - - - - -	1,261,320
10.	For steam machinery, and ships built by contract -	1,353,600
11.	For new works, buildings, machinery, and repairs in the naval establishments - - - - -	569,249
12.	For medicines, medical stores, &c. - - - -	76,230
13.	For martial law and law charges - - - -	15,114
14.	For the expense of various miscellaneous services - -	135,547
15.	For half pay, reserved and retired pay to officers of the navy and royal marines - - - - -	888,472
16.	For military pensions and allowances - - -	726,136
16.	For civil pensions and allowances - - -	282,176
17.	For freight of ships, for the victualling and conveyance of troops, on account of the army department - -	197,480
	TOTAL NAVY SERVICES - - £	11,288,872

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SCHEDULE (B.)—PART 4.

SCHED. (B.) PART 4. Army.

ARMY.

SCHEDULE of SUMS granted to defray the charges of the ARMY SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For the general staff and regimental pay, allowances, and charges of Her Majesty's land forces at home and abroad, exclusive of India	4,722,200
2.	For divine service	49,200
3.	For administration of martial law	27,900
4.	For medical establishments and services	262,400
5.	For militia pay and allowances	672,700
6.	For the yeomanry cavalry pay and allowances	74,400
7.	For the volunteer corps pay and allowances	458,000
8.	For the army reserve force pay and allowances, including enrolled pensioners	132,000
9.	For commissariat and ordnance store establishments, wages, &c.	370,400
10.	For provisions, forage, fuel, transport and other services	2,997,000
11.	For clothing establishments, services, and supplies	800,600
12.	For the supply, manufacture, and repair of warlike and other stores	1,229,000
13.	For superintending establishment of, and expenditure for, works, buildings, and repairs at home and abroad	845,100
14.	For establishments for military education	144,100
15.	For miscellaneous services	36,600
16.	For the administration of the army	214,700
17.	For rewards for distinguished services, &c.	35,500
18.	For pay of general officers	89,000
19.	For full pay of reduced and retired officers and half pay	505,800
20.	For widows pensions, &c.	144,600
21.	For pensions for wounds	16,500
22.	For Chelsea and Kilmainham hospitals, and the in-pensioners thereof	35,400
23.	For the out-pensioners of Chelsea Hospital, &c.	1,220,000
24.	For superannuation allowances	164,200
25.	For the non-effective services of the militia, yeomanry cavalry, and volunteer corps	34,300
	TOTAL ARMY SERVICES £	15,281,600

SCHEDULE (B.)—PART 5.

SCHED. (B.) PART 5. Charges defrayed by War Office on account of India.

CHARGES DEFRAYED BY WAR OFFICE ON ACCOUNT OF INDIA.

For repayment during the year ending on the 31st day of March 1877 of charges defrayed by the War Office on account of India £	170,000

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SCHED. (B.) PART 6. Army Purchase Commission.

SCHEDULE (B.)—PART 6.

ARMY PURCHASE COMMISSION.

For the establishment of, and expenditure to be incurred by, the Army Purchase Commissioners, which will come in course of payment during the year ending on the 31st March 1877 £	464,200

SCHED. (B.) PART 7. Civil Services. Class I.

SCHEDULE (B.)—PART 7.

CIVIL SERVICES.—CLASS I.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For the maintenance and repair of the royal palaces -	32,303
2.	For the royal parks and pleasure gardens - - -	114,105
3.	For the maintenance and repair of public buildings in Great Britain; for providing the necessary supply of water; for rents of houses for the temporary accommodation of public departments, and charges attendant thereon - - - - - - - -	135,938
4.	For the supply and repair of furniture in the public departments in Great Britain - - - -	16,240
5.	For the buildings of the Houses of Parliament - -	31,069
6.	For erecting offices in Downing Street for the Secretaries of State for the Home and Colonial Departments, and Local Government Board - - - - - -	5,360
7.	For one half of the expense of erecting or improving court houses or offices for the sheriff courts in Scotland, and the expense of maintaining courts so erected or improved - - - - - - - -	11,506
8.	For works for the enlargement of the National Gallery -	2,584
9.	For charges for the Post Office and Inland Revenue buildings - - - - - - -	173,718
	Carried forward -	522,823

No.		Sums not exceeding £
	Brought forward - -	522,823
10.	For maintenance and repair of the British Museum buildings, for rents of premises, supply of furniture, and other charges attendant thereon - - - - -	14,073
11.	For new buildings for county courts, maintenance and repair of courts, supply of furniture, fuel, &c., and other charges attendant thereon - - - - -	56,050
12.	For erecting and maintaining new buildings, including rents, &c., for the Department of Science and Art -	8,343
13.	For the survey of the United Kingdom, including the revision of the survey of Ireland, maps for Landed Estates Court, Ireland, publication of maps, and engraving the geological survey - - - - -	132,500
14.	For maintaining certain harbours, &c. under the Board of Trade - - - - - -	8,905
15.	For contribution to the funds for the establishment and maintenance of a fire brigade in the metropolis - -	10,000
16.	For rates and contributions in lieu of rates in respect of Government property, and for salaries and expenses of the rating of Government property department - -	233,991
17.	For the Wellington monument - - - -	1,151
18.	For the erection of a Natural History Museum - -	80,000
19.	For new buildings, maintenance and repair of buildings, and other expenses connected therewith, of the Metropolitan Police Courts - - - - -	20,644
20.	For the purchase of a site, erection of building, and other expenses for new courts of justice and offices - -	80,325
21.	For grant in aid of the expenses of Ramsgate Harbour -	2,351
22.	For the acquisition of lands for the purpose of the New Palace at Westminster, and for the further embankment of the river Thames - - - -	2,600
22A.	For various extra works connected with the erection of a new building on the site of the wings and a portion of the court-yard of Burlington House, for the occupation of various learned bodies - - - -	2,545
22B.	For the purchase of property at Inverleith, in the city of Edinburgh, with a view to the formation of an Arboretum in connexion with the Royal Botanic Gardens - -	4,900
23.	For erection, repairs, and maintenance of the several public buildings in the department of the Commissioners of Public Works in Ireland - - - - - -	174,922
24.	For erecting and maintaining certain lighthouses abroad -	15,660
25.	For the British embassy houses, consular and legation buildings, &c. in China and Japan, Constantinople, Therapia, Madrid, Paris, Tehran, Vienna, and Washington - -	45,330
	TOTAL CIVIL SERVICES, CLASS I. - £	1,417,113

A.D. 1876.

SCHED. (B.) PART 8. Civil Services. Class II.

SCHEDULE (B.)—PART 8.

CIVIL SERVICES.—CLASS II.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For salaries and expenses in the offices of the House of Lords	43,489
2.	For salaries and expenses in the offices of the House of Commons - - - - - -	50,006
3.	For salaries and expenses of the department of Her Majesty's Treasury - - - - -	58,010
4.	For salaries and expenses of the office of Her Majesty's Secretary of State for the Home Department and subordinate offices - - - - -	90,178
5.	For salaries and expenses of the department of Her Majesty's Secretary of State for Foreign Affairs - -	63,196
6.	For salaries and expenses of the department of Her Majesty's Secretary of State for the Colonies - -	34,755
7.	For salaries and expenses of the department of Her Majesty's Most Honourable Privy Council and subordinate departments - - - - -	37,243
8.	For salaries and expenses of the office of the Committee of Privy Council for Trade, and subordinate departments -	145,958
9.	For the salaries and expenses of the office of the Lord Privy Seal - - - - - -	2,773
10.	For salaries and expenses of the Charity Commission for England and Wales - - - - -	33,500
11.	For the salaries and expenses of the Civil Service Commission	22,893
12.	For the salaries and expenses of the office of the Copyhold, Inclosure, and Tithe Commission - - - -	18,619
13.	For the imprest expenses under the Inclosure and Drainage Acts - - - - - -	8,600
14.	For salaries and expenses of the department of the Comptroller and Auditor General - - - -	46,065
15.	For salaries and expenses of the Registry of Friendly Societies - - - - -	4,496
16.	For salaries and expenses of the Local Government Board, including various grants in aid of Local Taxation -	693,287
17.	For the salaries and expenses of the office of the Commissioners in Lunacy in England - - - -	15,026
18.	For the salaries and expenses of the Mint, including expenses of the coinage - - - -	50,250
19.	For salaries and expenses of the National Debt Office -	17,334
20.	For charges connected with the Patent Law Amendment Act, the Registration of Trade Marks Act, and the Registration of Designs Act - - - - -	23,875
21.	For salaries and expenses of the department of Her Majesty's Paymaster General in London and Dublin - -	23,651
22.	For salaries and expenses of the Public Record Office in England - - - - - -	22,509
	Carried forward -	1,505,713

No.		Sums not exceeding £
	Brought forward -	1,505,713
23.	For salaries and expenses of the establishments under the Public Works Loan Commissioners, and the West India Islands Relief Commissioners - - - -	9,600
24.	For salaries and expenses of the department of the Registrar General of Births, &c. in England - - -	45,911
25.	For stationery, printing, binding, and printed books for the several public departments in England, Scotland, and Ireland, and some dependencies, and for stationery, printing, binding, and paper, for the two Houses of Parliament, including the salaries and expenses of the Stationery Office - - - - - -	489,635
26.	For salaries and expenses of the office of Woods, Forests, and Land Revenues, and of the office of Land Revenue Records and Inrolments - - - -	26,284
27.	For salaries and expenses of the office of the Commissioners of Her Majesty's Works and Public Buildings - -	38,865
28.	For Her Majesty's foreign and other secret services -	24,000
29.	For salaries and expenses of the department of the Queen's and Lord Treasurer's Remembrancer in the Exchequer, Scotland, of certain officers in Scotland, and other charges formerly on the hereditary revenue - - -	6,225
30.	For salaries and expenses of the Fishery Board in Scotland -	12,672
31.	For salaries and expenses of the Board of Lunacy in Scotland	5,705
32.	For salaries and expenses of the department of the Registrar General of Births, &c. in Scotland - - -	6,665
33.	For salaries and expenses of the Board of Supervision for Relief of the Poor in Scotland, and for Public Health and Vaccination Act, including certain grants in aid of local Taxation - - - - -	82,783
34.	For salaries of the officers and attendants of the household of the Lord Lieutenant of Ireland and other expenses -	6,992
35.	For salaries and expenses of the offices of the Chief Secretary to the Lord Lieutenant of Ireland in Dublin and London, and subordinate departments - - - -	27,530
36.	For salaries and expenses connected with the boundary survey, Ireland - - - - - -	460
37.	For salaries and expenses of the office of the Commissioners of Charitable Donations and Bequests for Ireland - -	2,058
38.	For salaries and expenses of the Local Government Board, Ireland - - - - - -	126,292
39.	For salaries and expenses of the Public Record Office, and of the Keeper of the State Papers in Ireland - -	6,050
40.	For salaries and expenses of the office of Public Works in Ireland - - - - - - -	28,675
41.	For salaries and expenses of the department of the Registrar General of Births, &c., and for expenses of the collection of agricultural and emigration statistics in Ireland -	18,237
42.	For salaries and expenses of the general valuation of Ireland	21,550
43.	For charge in aid of the local cost of maintenance of Pauper Lunatics, Ireland - - - - -	78,000
	TOTAL CIVIL SERVICES, CLASS II. - £	2,569,902

A.D. 1876.

SCHED. (B.) PART 9. Civil Services. Class III.

SCHEDULE (B.)—PART 9.

CIVIL SERVICES.—CLASS III.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding
		£
1.	For the salaries of the law officers of the Crown, and the law charges, salaries, allowances, and incidental expenses, including prosecutions relating to coin, in the department of the solicitor for the affairs of Her Majesty's Treasury -	57,061
2.	For criminal prosecutions at assizes and quarter sessions in England, including adjudications under the Criminal Justice and the Juvenile Offenders Acts, sheriffs expenses, salaries to clerks of assize and other officers, and for compensation to clerks of the peace - - - -	179,848
3.	For salaries and expenses of the Chancery Division of the High Court of Justice, of the Court of Appeal, and of the Supreme Court of Judicature - - - -	173,025
4.	For salaries and expenses of the Queen's Bench, Common Pleas, and Exchequer Divisions of the High Court of Justice - - - - - -	61,586
5.	For the salaries and expenses of the Registries of Probates and Divorce and Matrimonial Causes, &c., in the Probate, Divorce, and Admiralty Division of the High Court of Justice - - - - -	92,041
6.	For the salaries and expenses of the offices of the Admiralty Registrar and Marshal of the Probate, Divorce, and Admiralty Division of the High Court of Justice -	12,284
7.	For salaries and expenses of the London Bankruptcy Court -	48,585
8.	For salaries and expenses connected with the County Courts -	414,426
9.	For salaries and expenses of the Office of Land Registry -	5,414
10.	For salaries and expenses of the police courts of London and Sheerness - - - - - -	14,240
11.	For the salaries and expenses of the metropolitan police, including the salaries of the Commissioner, Assistant Commissioners, and Receiver, the mounted police, river police, and police van service - - - - -	433,374
12.	For certain expenses connected with the police in counties and boroughs in England and Wales, and with the police in Scotland - - - - -	808,098
13.	For the superintendence of convict establishments and for the maintenance of convicts in convict establishments in England and the Colonies - - - -	440,745
14.	For maintenance of prisoners in county and borough prisons, and of criminal lunatics in private asylums in Great Britain - - - - - -	101,187
15.	For the maintenance of juvenile offenders in reformatory and industrial schools in Great Britain, and of the Inspectors of Reformatories - - - - -	230,547
	Carried forward -	3,072,461

A.D. 1876.

SCHED. (B.) PART 9.

Civil Services. Class III.

No.		Sums not exceeding £
	Brought forward -	3,072,461
16.	For maintenance of criminal lunatics in Broadmoor Criminal Lunatic Asylum, England - - -	29,484
17.	For miscellaneous legal charges in England - -	18,690
18.	For salaries and expenses of the Lord Advocate's department and others connected with criminal proceedings in Scotland - - - - - -	69,389
19.	For salaries and expenses of the Courts of Law and Justice in Scotland and other legal charges - - -	59,527
20.	For salaries and expenses of the offices in Her Majesty's General Register House, Edinburgh - - -	32,389
21.	For the joint departments of prisons and judicial statistics in Scotland, and for maintenance of prisoners in the prisons at Perth (including establishments for criminal lunatics), Ayr, and Paisley - - - -	24,189
22.	For the expense of criminal prosecutions and other law charges in Ireland - - - - -	80,453
23.	For salaries and expenses of the Court of Chancery in Ireland	42,196
24.	For salaries and expenses of the Superior Courts of Common Law in Ireland - - - - -	28,901
25.	For salaries and the incidental expenses of the Court of Bankruptcy in Ireland - - - -	9,619
26.	For salaries and expenses of the Landed Estates Court in Ireland - - - - - -	12,283
27.	For salaries and expenses of the Court of Probate and of the District Registries in Ireland - - -	11,530
28.	For salaries and expenses of the Admiralty Court Registry in Ireland - - - - - -	1,700
29.	For salaries and expenses of the Office for the Registration of Deeds in Ireland - - - - -	18,460
30.	For salaries and expenses in the Office for the Registration of Judgments in Ireland - - - -	3,060
31.	For salaries and expenses of the Commissioners of Police, of the police courts and of the metropolitan police establishment, Dublin - - - -	136,975
32.	For the constabulary force, Ireland - - -	1,086,168
33.	For the superintendence and inspection of Government prisons, for the Office of Registrar of Habitual Criminals, and for the maintenance of convicts in Government prisons in Ireland - - - - -	40,540
34.	For maintenance of prisoners in county and borough prisons, and the expenses of reformatories and industrial schools in Ireland - - - - - -	90,768
35.	For maintenance of criminal lunatics in Dundrum Criminal Lunatic Asylum, Ireland - - - -	6,165
36.	For certain miscellaneous legal charges in Ireland - -	69,666
	TOTAL CIVIL SERVICES, CLASS III. - - £	4,944,613

A.D. 1876.

SCHED. (B.) PART 10. Civil Services. Class IV.

SCHEDULE (B.)—PART 10.

CIVIL SERVICES.—CLASS IV.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For public education in England and Wales - -	1,707,055
2.	For the salaries and expenses of the Department of Science and Art, and of the establishments connected therewith -	301,673
3.	For salaries and expenses of the British Museum, including the amount required for furniture, fittings, &c. - -	108,947
4.	For salaries and expenses of the National Gallery, London -	11,898
5.	For salaries and expenses connected with the formation of the National Portrait Gallery - - - -	2,000
6.	For grants in aid of the expenditure of certain learned societies in Great Britain and Ireland, and for scientific investigation - - - - - -	15,550
7.	For salaries and expenses of the University of London -	10,310
8.	For public education in Scotland - - -	438,227
9.	For salaries and expenses of the Board of Education for Scotland - - - - -	5,707
10.	For grants to Scottish universities - - - -	18,554
11.	For the annuity to the Board of Trustees in Scotland, in discharge of equivalents under the Treaty of Union, to be applied in maintenance of the National Gallery, School of Art and Antiquarian Museum, Scotland, and for the exhibition of the Torrie Collection, and for other purposes - - - - - -	2,100
12.	For public education under the Commissioners of National Education in Ireland - - - -	645,949
13.	For the salary and expenses of the Office of the Commissioners of Education in Ireland (Endowed Schools) -	640
14.	For salaries and expenses of the National Gallery of Ireland, and for the purchase of pictures - - -	2,339
15.	In aid of the Royal Irish Academy - - - -	2,481
16.	For the Queen's University in Ireland - - -	4,787
17.	In aid of the expenses of the Queen's Colleges in Ireland -	11,822
	TOTAL CIVIL SERVICES, CLASS IV. - £	3,290,039

SCHEDULE (B.)—PART 11.

CIVIL SERVICES.—CLASS V.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For the expenses of Her Majesty's embassies and missions abroad - - - - - - -	218,663
2.	For the consular establishments abroad, and for other expenses chargeable on the consular vote - - -	245,896
3.	In aid of colonial local revenue, and for the salaries and allowances of governors, &c., and for other expenses in certain colonies - - - - - -	75,164
4.	For the charge of the Orange River Territory (Cape of Good Hope) and the island of St. Helena - -	3,190
5.	For expenses of the mixed commissions established under the treaties with foreign powers for suppressing the traffic in slaves, and towards defraying the cost of the agency and consulate general at Zanzibar - -	3,982
6.	For tonnage bounties, bounties on slaves, and expenses of the Liberated African Department - - -	14,507
7.	For the Emigration Board, and for certain other expenses connected with emigration from this country - -	4,917
8.	For the expenses on account of the Treasury chest - -	2,000
9.	For the expenses of the mission of the Right Honourable Stephen Cave, M.P., to confer with the Khedive and his Government as to the financial position and administration of Egypt - - - - -	2,200
10.	For the purchase of the qualifying shares, and to defray the salaries and expenses of the three representatives of Her Majesty's Government on the Council of Administration of the Suez Canal Company - - -	9,200
	TOTAL CIVIL SERVICES, CLASS V. £	579,719

A.D. 1876.

SCHED. (B.) PART 12. Civil Services. Class VI.

SCHEDULE (B.)—PART 12.

CIVIL SERVICES.—CLASS VI.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For superannuation and retired allowances to persons formerly employed in the public service - - -	433,210
2.	For pensions to masters and seamen of the merchant service, and to their widows and children - - -	34,900
3.	For the relief of distressed British seamen abroad - -	33,000
4.	For the support of certain hospitals and infirmaries, Ireland	18,493
5.	For miscellaneous, charitable, and other allowances in Great Britain - - - - - - -	4,538
6.	For certain miscellaneous, charitable, and other allowances in Ireland - - - - - - -	4,826
7.	For the amount required to commute, in accordance with the provisions of the Act 36 & 37 Vict. c. 57., that portion of the Schomberg Pension which is payable to the Duke of Leeds - - - - -	29,101
	TOTAL CIVIL SERVICES, CLASS VI. - £	558,068

SCHED. (B.) PART 13. Civil Services. Class VII.

SCHEDULE (B.)—PART 13.

CIVIL SERVICES.—CLASS VII.

SCHEDULE of SUMS granted to defray the charges of the several CIVIL SERVICES herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For salaries and incidental expenses of temporary commissions	54,401
2.	For expenses of an Expedition for the purpose of pursuing a course of physical and biological investigations of the oceanic regions of the globe - - -	2,930
3.	For certain miscellaneous expenses - - - -	5,516
	TOTAL CIVIL SERVICES, CLASS VII. - £	62,847

A.D. 1876.

SCHEDULE (B.)—PART 14.

SCHED. (B.) PART 14. Revenue Departments, &c.

REVENUE DEPARTMENTS, &c.

SCHEDULE of SUMS granted to defray the charges of the several REVENUE DEPARTMENTS, &c. herein particularly mentioned, which will come in course of payment during the year ending on the 31st day of March 1877; viz.:—

No.		Sums not exceeding £
1.	For the salaries and expenses of the Customs Department -	998,530
2.	For the salaries and expenses of the Inland Revenue Department - - - - -	1,731,304
3.	For salaries and expenses of the Post Office services, the expenses of Post Office savings banks, and Government annuities and insurances, and the collection of the Post Office revenue - - - - -	3,187,406
4.	For the Post Office packet service - - -	851,930
5.	For the salaries and expenses of the Post Office telegraph service - - - - - -	1,161,148
	TOTAL REVENUE DEPARTMENTS - - £	7,930,318

SCHEDULE (B.)—PART 15.

SCHED. (B.) PART 15.

GREENWICH HOSPITAL AND SCHOOL.

	£
Advances during the year ending on the 31st March 1877 for defraying the expenses of Greenwich Hospital and School -	145,752

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Poor Law Amendment.

[39 & 40 Vict. Ch. 61.]

ARRANGEMENT OF CLAUSES.

Clause.

1. The Local Government Board may make provision for divided parishes. A.D. 1876.
2. If one tenth of ratepayers object, the order shall be provisional only.
3. State of parishes after new order.
4. Ecclesiastical divisions and municipal boundaries not to be affected.
5. Provision for highway district.
6. Overseers to be appointed for the parish so created.
7. Provision for compensation.
8. Adjustment to be made of property and debts.
9. Endowments for benefit of divided parish not to be affected.

Poor Law Amendments.

10. Husbands and wives in workhouses.
11. Local Government Board under certain circumstances may dissolve a union.
12. Division of parish into wards for election of guardians.
13. Change of name of union.
14. Paupers not to vote at election of guardians.
15. Guardians of unions and parishes may pay for information required for the effectual discharge of duties.
16. Local Government Board to settle payments to officers for the same.
17. Superannuation allowances not affected by services as registrar of marriages or sanitary officer.
18. The 7 & 8 Vict. c. 101. s. 25. extended.
19. Provisions against persons who desert their families.
20. Jurisdiction of justices to make orders on husband of a lunatic.
21. Extension of 7 & 8 Vict. c. 101. s. 56. as to registration to the case of a workhouse situated in two parishes, and provision for deaths of paupers in district schools and asylums.
22. Extension of 12 & 13 Vict. c. 103. s. 14.
23. Trustees may pay cost of pauper's relief out of annuity payable to such pauper.

A.D. 1876.

Clause.

24. Costs in bastardy.
25. Recovery of costs by guardians of a parish.
26. Provision for pauper lunatics sent from boroughs to licensed houses and registered hospitals.
27. Repeal of 56 Geo. 3. c. 139. s. 1., relating to parish apprentices.
28. Boys in receipt of relief, who are desirous of it, may be forwarded by the guardians for examination for the naval service.
29. Provision for the balances of outgoing overseers. Existing disallowances discharged.
30. Repeal of the exemption of corporate property.
31. Brokers charges.
32. Justices to make allowances to clerks of justices in respect of jury lists.
33. Appointment of visiting officer.

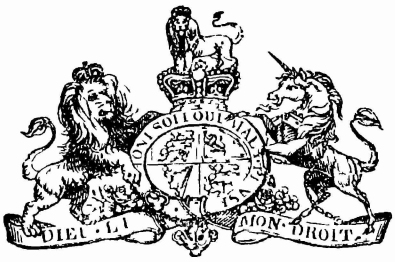
Provisions as to the Law of Settlement and Removal.

34. Settlement for persons by residence.
35. Abolition of derivative settlements.
36 Proviso for pending orders of removal.
37. Rates made by overseers not now audited made subject to the audit of district auditor.
38. Auditor's decision upon a joint account may be reversed or remitted in favour of one or some only of the parties.
39. Statement by owner pursuant to statute 7 & 8 Vict. c. 101. s. 15.

Metropolitan Provisions.

40. Explanation of the Metropolitan Poor Act as to the power to form districts for all classes of poor.
41. Extension of power of determining or varying contracts given by 30 & 31 Vict. c. 6. s. 59.
42. Power of managers in respect of patients not paupers.
43. The exemption of the Inns of Court and the Charter House removed.
44. Interpretation clause.
45. Short title.

SCHEDULE.



CHAPTER 61.

An Act to provide for the better arrangement of divided Parishes and other local areas, and to make sundry amendments in the Law relating to the Relief of the Poor in England. [15th August 1876.]

A.D. 1876.

WHEREAS many parishes in England are divided and some unions are formed in a manner which renders their arrangements inconvenient, and whereas other unions are too large in extent for the purposes of the relief of the poor and other local administration, and it is expedient that provision should be made for remedying these inconveniences:

And whereas other amendments are required in the laws for the relief of the poor in England:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

The Local Government Board may make provision for divided parishes.

1. Where any parish shall be divided so as to have its parts or any of them isolated in some other parish or parishes or otherwise detached the Local Government Board may, as and when they shall see fit, after local inquiry to be held upon notice duly given to the clerk of the peace of the county or counties in which the parts of the parish are situated and in the parishes to be affected in the manner prescribed or usually adopted therein for the publication of parochial notices, make an order, to take effect at the expiration of some period not less than three months from the day when a copy of such order shall have been sent to the overseers, either for constituting separate parishes out of the divided parish or for amalgamating some of the parts thereof with the parish or parishes in which the same may be locally included, or to which they may be annexed, as shall appear to such Board to be most convenient, and providing where requisite for a change of the county of the parish or part of a parish.

A.D. 1876.

If one tenth of ratepayers object, the order shall be provisional only.

2. If one tenth in number and rateable value of the persons appearing on the rate in force for the time being to be rated to the relief of the poor in any parish affected by such order shall give notice to the Local Government Board in writing of objection to the same, within three months after copies of such order shall have been sent to the overseers of the parishes affected thereby, the order shall be deemed to be a provisional order only, and shall be dealt with accordingly.

State of parishes after new order.

3. From and after the twenty-fifth day of March next ensuing the day when such order, if not objected to, shall take effect, and in the case of a provisional order next ensuing the date of the Act of Parliament confirming the same, the several parts of every parish to which such order shall apply shall be and continue to be constituted in the manner directed by the said order, and the officers of the several parishes affected thereby shall be empowered and shall be required to act as if such parishes had been constituted in the manner directed prior to the issue of such order.

Ecclesiastical divisions and municipal boundaries not to be affected.

4. Nothing herein contained shall apply to the ecclesiastical divisions of parishes, nor to the constitution of school districts, without the sanction of the Education Department, or shall alter the boundaries of any municipal borough, and for the purposes of the election of members of Parliament and of burgesses in municipal boroughs, of the jury lists, of the action of the justices, and of the police and constables, the parishes shall continue to be deemed unaltered until new lists are made and new constables are appointed.

Provision for highway district.

5. Where a parish affected by the order shall be included in a highway district, its condition therein and the appointment of the waywarden thereof shall be changed according to the terms of the order, whether its area or contents be diminished or increased thereby.

Overseers to be appointed for the parish so created.

6. Every parish constituted under this Act by the order of the Local Government Board shall, notwithstanding the prohibition as to the appointment of overseers contained in the twenty-second section of the Poor Law Amendment Act, 1844, be a parish for which an overseer shall be appointed, and for all other lay and civil purposes to which a parish may be liable or entitled.

The meeting of inhabitants of the same qualified as in the case of any ordinary parish shall be deemed the vestry meeting thereof, and the rector, vicar, or perpetual curate having cure of souls in the greater part thereof shall, when present, be the chairman thereof, unless the Local Government Board shall determine in their

order which of such incumbents shall be such chairman, and all the documents of the respective parishes shall be deposited and kept in such place as the Local Government Board by their order shall appoint.

Provision for compensation.

7. If any person shall be deprived of any office or employment, or if his profits in respect thereof shall be diminished under or by reason of any provision of this Act, the Local Government Board may, if they see fit, award by their order a compensation to him, according to their judgment, to be paid out of such fund and in such manner as shall appear to them to be equitable.

Adjustment to be made of property and debts.

8. The said Board shall make due adjustment of the property, if any, and of the debts or liabilities of the parishes among the several parts thereof according to the alterations caused by the order, and the arrears of rates due at the time when the order takes effect shall be recovered by the overseers or other officers properly competent to do so, and from the persons liable, as if there had been no alteration, and the justices, who shall make a county rate upon any such parishes before a new basis for the same shall be established, shall make due provision therein for the alterations aforesaid.

Provided that no person shall be liable to any rate made in the parish to which the part of the parish wherein his land or premises shall be situated may be added before the said twenty-fifth day of March.

Endowments for benefit of divided parish not to be affected.

9. Nothing herein contained shall prejudice, vary, or affect any right, interest, or jurisdiction in or over any charitable endowment which now is, or hereafter shall be, applicable for the benefit of a divided parish, as defined by section one of this Act, or the inhabitants thereof.

Poor Law Amendments.

Husbands and wives in workhouses.

10. When any two persons, being husband and wife, shall be admitted into any workhouse, and either of them shall be infirm, sick, or disabled by any injury, or above the age of sixty years, it shall be lawful for the guardians of the union or parish to which such workhouse shall belong to permit in their discretion such husband and wife to live together, and every such case shall be reported forthwith to the Local Government Board.

Local Government Board under

11. If it shall appear to the Local Government Board that it is expedient for rectifying or simplifying the areas of management or

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certain circumstances may dissolve a union.

otherwise for the better administration of the relief of the poor that any union, whether formed under the Poor Law Amendment Act, 1834, or otherwise, should be dissolved, the said Board may, after inquiry held in some one of the unions to be affected, after public notice, so that all persons interested in the same may attend and be heard thereat, issue their order for the dissolution of any such union, and such dissolution shall have the same effect and be attended with the same consequences as in the case of a union dissolved under the provisions of the said Act of 1834.

Division of parish into wards for election of guardians.

12. The nineteenth section of the Poor Law Amendment Act, 1844, shall be repealed, and the Local Government Board may by their order divide any parish into wards for the election of guardians, and determine the number of guardians to be elected for every such ward, having due regard to the value of the rateable property therein; and each such ward shall for the purposes of such election be deemed to be a separate parish, except so far as the said board may otherwise order.

Change of name of union.

13. The Local Government Board may, when they see fit, by their order change the name of any union and direct how such change of name shall be published; no such change of name shall affect any rights or obligations of, or securities given by or to the said union, or render defective any legal proceedings instituted by or against the said union; and any legal proceedings may be continued or commenced by or against the said union by their new name which might have been continued or commenced by or against the union by their former name.

Paupers not to vote at election of guardians.

14. No person shall be entitled to vote in the election of a guardian or in the election to an office under the provisions of any statute who shall be in receipt of relief given to himself or his wife or child, or who shall have been in receipt of such relief on any day during the year last preceding such election. In the case of any person objected to on this ground a certificate from the clerk of the guardians under his hand shall be sufficient evidence of such person having received relief.

Guardians of unions and parishes may pay for information required for the effectual discharge of duties.

15. The guardians of any union or parish, or the board of overseers of any parish incorporated under a local Act, may pay the reasonable expenses incurred in the preparation and collection of information required of or by them respecting any matter which is submitted to their management, supervision, or control, and charge the amount in the case of a union to their common fund or as general or special expenses, according as the subject-matter relates

to the general concern of the union or district or to some separate part thereof, and in the case of the board of guardians of a parish or board of overseers to the fund under their control.

Local Government Board to settle payments to officers for the same.

16. If the guardians or board of overseers require any such information from any of their officers, the amount payable may, if there be any disagreement on the subject, be settled by the Local Government Board.

Superannuation allowances not affected by services as registrar of marriages or sanitary officer.

17. If any officer seek a superannuation allowance from the guardians of any union or parish, or from the overseers of any such parish under any statute applicable to such allowance, his service as a registrar of marriages, or under any of the provisions of the Sanitary Acts as defined by "The Public Health Act, 1875," or of that Act, shall not operate to prevent him from obtaining the same.

The 7 & 8 Vict. c. 101. s. 25. extended.

18. The provision contained in the twenty-fifth section of the Poor Law Amendment Act, 1844, relating to relief, whereby relief to a woman whose husband appears to be beyond the seas is to be given to her in the same manner and subject to the same conditions as if she were a widow, shall apply to a married woman living separate from her husband.

Provisions against persons who desert their families.

19. Proceedings may be taken against any person who runs away and leaves his wife or his or her child chargeable, or whereby she or they or any of them shall become chargeable to any union or parish at any time within two years after the commission of the offence, and a summons or warrant in respect thereof may be issued upon the information of any relieving officer of the guardians stating that relief has been applied for on behalf of the wife or child, and that he is informed and believes that the husband or parent, as the case may be, has left the wife or child and gone away, any law or statute to the contrary notwithstanding. The justices to hear the complaint against a husband, under the thirty-third section of the Act of the thirty-first and thirty-second years of Her Majesty, chapter one hundred and twenty-two, may be other than those who summoned him to appear before them, but acting for the same petty sessional division.

Jurisdiction of justices to make orders on husband of a lunatic.

20. Where an order upon the husband of a lunatic to contribute towards her maintenance is sought to be obtained under the provisions of section five of the Poor Law Amendment Act, 1850, the justices having jurisdiction in the union or parish, the guardians whereof shall make the application, shall be empowered to issue the

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summons and make the order instead of the justices having jurisdiction in the place where he may dwell.

Extension of 7 & 8 Vict. c. 101. s. 56. as to registration to the case of a workhouse situated in two parishes, and provision for deaths of paupers in district schools and asylums.

21. The provision as to the registration of births and deaths in a workhouse contained in the fifty-sixth section of the Poor Law Amendment Act, 1844, shall be extended to the case of a workhouse which is situated in two parishes, so that the registration shall take place in the parish to which the workhouse belongs, or, if the parishes be not both in the same union, then in that parish of the union to which the workhouse belongs in which any part of the workhouse is situated.

And when a union is comprised in any school or other district the death of any pauper in the school or asylum of such district shall for the purposes of burial be deemed to have taken place in the parish of the union from which such pauper was sent to the said school or asylum, or to the workhouse of the union, as the case may be, and the charges of the burial shall be borne by the common fund of such union.

Extension of 12 & 13 Vict. c. 103. s. 14.

22. The provision in the fourteenth section of the Poor Law Amendment Act, 1849, which enables guardians of a union or parish to contract to receive in their workhouse certain paupers chargeable to some other union or parish shall be extended to the managers of a district or other asylum for the reception of paupers, and to every case where the Local Government Board shall deem it expedient and shall give their consent, until such consent shall be withdrawn.

Trustees may pay cost of pauper's relief out of annuity payable to such pauper.

23. Where any pauper shall be entitled to any annuity or periodical payment, the trustee or other person bound to make payment of the same to the pauper may from time to time pay to the board of guardians of any union or parish, out of the instalments which have become due, the cost incurred in the relief of such pauper accrued since the last instalment, and such payment shall be a legal discharge to such trustee or other person for so much money as shall have been so paid.

Where the guardians incur any expenses in the relief of a pauper lunatic, being a member of a benefit or friendly society, and as such entitled to receive any payment, they may recover from him, as a debt, or from his executors, administrators, or assigns in case of his death, the sum so expended by them as aforesaid, and the managing body of such society, after notice from the clerk to the guardians, served previously to the money being paid over, shall be required to pay the same to such guardians, and shall be exonerated on payment thereof from any further liability.

Where any trustee, manager, or other person shall decline to make any payment, the guardians may apply to the justices in petty sessions assembled, and such justices may, if satisfied that it is right under all the circumstances to do so, make an order upon him to pay the requisite amounts then due to the guardians at once and to pay from time to time in future as the liability in respect of the relief arises thereafter.

Provided that this clause shall not have effect unless and until the guardians or their relieving officer shall have declared the relief to be given on loan, nor in respect of any relief granted contrary to the rules and orders made under the authority of the statutes in that behalf.

Costs in bastardy.

24. In any proceeding by the guardians of the poor under the Act 36 Vict. c. 9. for obtaining an order upon the putative father of a bastard child, it shall be competent for the justices making the order to award costs to and against the parties in like manner and to the like effect as in the case of orders for the payment of money made under 11 & 12 Vict. c. 43.

Recovery of costs by guardians of a parish.

25. The board of guardians of a parish may recover the costs of and obtain orders for the maintenance of a pauper in like manner as the guardians of a union can do under the provisions of the 11 & 12 Vict. c. 110., and from and after the twenty-ninth of September next such guardians, when authorised by the Local Government Board to do so, shall be entitled to apply for orders of removal, and to defend appeals against any such orders obtained, in the place of the overseers, and with the like powers and subject to the like liabilities as guardians of a union are entitled or are subject to in respect of such orders.

Provision for pauper lunatics sent from boroughs to licensed houses and registered hospitals.

26. Where any pauper lunatic shall have been or shall hereafter be sent from any part of a borough wholly or partly comprised within a union or parish to any licensed house or registered hospital, and the account of the charges for the maintenance of such lunatic therein shall be sent to the guardians of the said union or parish, their clerk shall divide the said account into two parts one of which shall contain the amount which would have been paid for such lunatic if he had been maintained in the asylum of the county wherein the said union or parish or the greater part of it is comprised, and the other shall contain the extra sum in such account, and the said guardians having paid the whole of such charges may send the second account, together with an account of any extra expenses caused by the removal of such lunatic to the place of

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confinement, to the town council of the borough from which such lunatic was so sent, and such town council shall thereupon pay the amount of such accounts to the said guardians, and if the same be not paid the amount may be recovered by the said guardians by process in any court of law as a debt. This section shall not apply to any borough which has provided or contributed to the providing of a pauper lunatic asylum.

Repeal of 56 G.3.c.139. s. 1., relating to parish apprentices.

27. The first section of the Act of the fifty-sixth year of King George the Third, chapter one hundred and thirty-nine, relating to the binding of parish apprentices, is hereby repealed.

Boys in receipt of relief, who are desirous of it, may be forwarded by the guardians for examination for the naval service.

28. If any boy not already an apprentice in the merchant service who, or whose parent or parents, shall be receiving relief in any union or parish, be desirous of serving in the naval service of Her Majesty, and be forwarded for approval by competent authority for such service, the guardians of the poor of such union or parish may enable any such boy to be so forwarded, and may pay out of their funds such sum, if any, as may be required by the regulations of such service for providing outfit or otherwise, and also such expenses as may be necessary to be incurred for the conveyance of such boy in charge of a proper person to and from the port or place in the United Kingdom at which he may be required to attend for examination, and, if accepted, for entry into such service.

Provision for the balances of outgoing overseers.

29. Whereas it frequently happens that the amount to be recovered by the overseers or their successors in the rate last made before the termination of their year of office is insufficient to meet the demands upon them, and the said overseers pay the necessary excess out of their own funds, but the rule of law applicable to such payments will not allow such payments to be reimbursed to them out of any subsequent rate, and great hardship arises therefrom: Now, therefore, it is hereby enacted, that henceforth in any such case the payment of an overseer to his predecessor in respect of any money so paid by him in excess, if otherwise lawful, may be allowed by the auditor if it appear to him that the said payment in excess did not arise from the negligence or wilful action of the overseer so paying the sum out of his own funds.

Existing disallowances discharged.

All disallowances and surcharges made on the ground of the said rule of law by an auditor prior to the passing of this Act, in respect of any accounts due at or prior to the twenty-fifth of March last and not remitted, shall be and the same are herewith discharged, unless the Local Government Board shall in any case otherwise direct.

Repeal of the exemption of corporate property.

30. So much of the Act four and five Victoria, chapter forty-eight, as exempts the property of municipal corporations from being rated to the relief of the poor in the cases therein mentioned is hereby repealed.

Brokers charges.

31. In all cases where a warrant of distress is issued for the recovery of a poor rate the person against whom the same is issued shall be liable to pay the cost of such warrant, and of the broker or other officer for his attendance to make the levy, although such person may tender the amount of the rate before any levy is made.

Justices to make allowances to clerks of justices in respect of jury lists.

32. The justices of the peace of every county in quarter or general sessions assembled shall from time to time make such allowances as to them shall seem proper as compensation to the clerks to the justices in the several divisions in the county for their services in relation to the revision and allowance of the jury lists.

Every such allowance shall be charged upon and be paid out of the county stock or fund.

Appointment of visiting officer.

33. The guardians of any union or parish or the managers of any district school may appoint and pay any officer or other competent person to visit and report upon the condition, treatment, and conduct of any poor child under the age of sixteen who shall have gone into service from the workhouse of such union or parish or from such district school.

Provisions as to the Law of Settlement and Removal.

Settlement for persons by residence.

34. Where any person shall have resided for the term of three years in any parish, in such manner and under such circumstances in each of such years, as would in accordance with the several statutes in that behalf render him irremovable, he shall be deemed to be settled therein until he shall acquire a settlement in some other parish by a like residence or otherwise; provided that an order of removal in respect of a settlement acquired under this section shall not be made upon the evidence of the person to be removed, without such corroboration as the justices or court think sufficient.

Abolition of derivative settlements.

35. No person shall be deemed to have derived a settlement from any other person, whether by parentage, estate, or otherwise, except in the case of a wife from her husband and in the case of a child under the age of sixteen, which child shall take the settlement of its father or of its widowed mother, as the case may be, up to that age, and shall retain the settlement so taken until it shall acquire another.

An illegitimate child shall retain the settlement of its mother until such child acquires another settlement.

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If any child in this section mentioned shall not have acquired a settlement for itself, or being a female shall not have derived a settlement from her husband, and it cannot be shown what settlement such child or female derived from the parent without inquiring into the derivative settlement of such parent, such child or female shall be deemed to be settled in the parish in which he or she was born.

Proviso for pending orders of removal.

36. The provisions relating to settlement shall not apply to any pauper removed under any order of removal, or without such order under the provision in that behalf contained in the Union Chargeability Act, 1865, before the passing of this Act, or in receipt of non-resident relief lawfully given, or in respect of whom any order of removal shall be pending at the passing of this Act.

Rates made by overseers not now audited made subject to the audit of district auditor.

37. From and after the twenty-fifth day of March next, when an overseer shall make and levy any rate or assessment which is not now subject to be audited by the district auditor, or by any auditor or auditors appointed under or by virtue of the Metropolis Local Management Act, such rate or assessment, and the accounts relating thereto, shall be submitted by him, and by the collector thereof, if any, to the said auditor, in the like manner, and with the like incidents, consequences, liabilities, and power of appeal as in the case of the poor rate made by such overseer; and every other audit of such rate or assessment, if any, shall cease.

And the Local Government Board shall have the same power to make orders to regulate the keeping of such accounts as they have in regard to other local rates.

Auditor's decision upon a joint account may be reversed or remitted in favour of one or some only of the parties.

38. When an auditor shall have allowed, disallowed, or surcharged a sum in any account rendered to him jointly, and an appeal shall be made against the same, the decision of the auditor may be reversed by the court or the Local Government Board, as the case may be, and the disallowance or surcharge may be remitted by the said Board in favour of one or more of the persons appealing only without discharging the other person or persons against whom such decision of the auditor was pronounced.

Statement by owner pursuant to statute 7 & 8 Vict. c. 101. s. 15.

39. No statement by an owner pursuant to the Act of the seventh and eighth years of Victoria, chapter one hundred and one, section fifteen, shall be valid, or shall entitle him to be placed in the registry of owners entitled to vote for the guardians of the poor of any parish, unless such statement contain an address for service within the parish in respect of which such owner shall claim to

vote, and all voting papers and notices left at such address shall be deemed to be sufficiently served on such owner; provided that such owner may, as and when he sees fit, change such address, and if he give notice in writing of such change the same shall be substituted in the register of owners and dealt with accordingly.

Metropolitan Provisions.

Explanation of the Metropolitan Poor Act as to the power to form districts for all classes of poor.

40. Whereas doubts have been entertained as to the extent of the powers given to the Poor Law Board by sections five and six of the Metropolitan Poor Act, 1867, it is hereby enacted and declared that those powers may be exercised by the Local Government Board in order to the provision of asylums, workhouses, or other buildings for the reception of any class or classes of the poor chargeable in the metropolis.

Extension of power of determining or varying contracts given by 30 & 31 Vict. c. 6. s. 59.

41. The powers conferred upon the Poor Law Board by section fifty-nine of the Metropolitan Poor Act, 1867, to determine or vary the contracts with any medical or other workhouse officers existing at the passing of that Act, may be exercised by the Local Government Board for the purpose of improving the classification of all classes of paupers in addition to the purposes in the said section specified, and with reference to the contract with, or the appointment of any officer appointed by a board of guardians irrespective of the date of the appointment or contract.

Power of managers in respect of patients not paupers.

42. If the managers of a district constituted under the provisions of the Metropolitan Poor Acts shall have admitted any sick person into their asylum not being a pauper, but under circumstances of urgency, they shall have and may exercise the like powers over such person, and shall have the like remedies for the recovery of all reasonable charges incurred on behalf of any such person as are conferred by the Poor Law Acts upon guardians over paupers, and for the recovery of relief given or deemed to be given by way of loan to any such pauper.

But the said powers and remedies shall not be exercised or put in force by the managers until they shall have been authorised to do so by the Local Government Board, and shall be exercised subject to any restrictions which may be imposed from time to time by the Board.

Provided also, that no sum shall be recoverable by managers under the provisions of this Act in respect of any expenses incurred by them other than those which shall be the subject of a separate

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charge in respect of an inmate to any union or parish in the district.

The exemption of the Inns of Court and the Charter House removed.

43. From and after the first day of September next so much of the twentieth Victoria, chapter nineteen, section three, as provides that the Inner Temple, the Middle Temple, Grays Inn, and the Charter House, London, shall not be added to any union or other district for the purposes therein referred to, shall be repealed.

Provided, that no such Inn of Court shall be added to a union or parish so long as the benchers thereof shall make payments, as regards the Inner Temple and the Middle Temple to the guardians of the poor of the City of London Union, and as regards Grays Inn to the guardians of the poor of the Holborn Union, of such sum as shall be called for by such guardians respectively as a contribution in aid of the common fund of such unions upon a precept framed according to the form set forth in the schedule hereto annexed, or to the like effect, which sum, together with the costs of collection, shall, when the masters of the bench of any Inn think proper, be paid out of a rate in the nature of a poor rate to be made and levied by the overseer or overseers of the said Inn, as in the case of a poor rate made and levied in any other parish.

Such contribution shall be based upon the annual rateable value of the said Inn as settled by the valuation list in force for the time being, if any, or otherwise as settled by the Local Government Board for its contribution to the Metropolitan Poor Fund, and shall be calculated and issued in every respect as if the said Inn were a parish comprised in the said union, but so nevertheless that such contribution shall not include any sum, whether for principal or interest, in respect of repayment of moneys borrowed and charged on the poor rates of the parishes comprised in the said union or on the common fund thereof.

Provided also, that the contribution of the respective unions towards such Metropolitan Poor Fund shall be calculated upon the annual rateable value of such unions increased by the annual rateable value of the Inn or Inns contributing thereto as aforesaid, and the provisions of the Metropolitan Poor Act, 1867, applicable to any such Inn of Court, shall cease to operate so long as the contributions herein described are paid in respect of such Inn: Provided also, that from and after the said first day of September next the registrar of the Charter House shall cease to be the overseer of the parish of the Charter House, and the justices of the peace having jurisdiction in the place shall forthwith appoint an overseer to act for the said parish until the time of the next annual appointment

of overseers; and thenceforth appointments shall be made as in the case of other parishes, and every such overseer shall have all the powers and privileges, and shall be subject to all the duties which by law attach to such an officer.

Interpretation clause.

44. The words herein contained shall be construed as in the Poor Law Amendment Act, 1834, and in the Acts amending or extending the same, and the provisions contained therein and not repealed shall, so far as they shall be consistent herewith, be extended to this Act.

The word "pauper" in the statute of the thirty-fourth and thirty-fifth years of Her present Majesty, chapter one hundred and eight, section seven (sub-section five), shall include any person who shall obtain relief by wilfully giving a false name, or making a false statement, and such person may be proceeded against as an idle and disorderly person at any time while he continues to receive such relief.

Short title.

45. This Act may be cited and described for all purposes as "The Divided Parishes and Poor Law Amendment Act, 1876."

SCHEDULE.

PRECEPT FOR A CONTRIBUTION FROM AN INN OF COURT.

To the benchers of

You are hereby required to pay to of , the treasurer of the guardians of the poor of the union, on behalf of such guardians, on the day of the sum of pounds shillings and pence, as the contribution of the above-named Inn of Court in aid of the common fund of the said union, such amount having been duly calculated according to the provisions of the Divided Parishes Poor Law Amendment Act, 1876, and to take the receipt of the said treasurer indorsed upon this paper for the said sum of

Given under our hands at a meeting of the guardians of the poor of the said union held on the day of

(Signed) *X. Y.*, Presiding Chairman.
W. X. } Guardians.
U. V. }

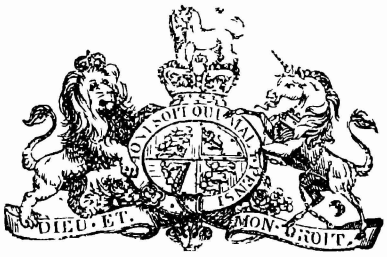
Countersignature of the Clerk
to the Guardians.

Indorsement.

Received this day of 18 of the within-named benchers the sum of on behalf of the within-named guardians.

Treasurer of the Union.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.



CHAPTER 62.

An Act to make provision for the Disposal of certain Lands appropriated for the supply of materials for the repair of public and private roads. [15th August 1876.]

A.D. 1876.

WHEREAS it is expedient to provide for the disposal of certain lands herein described appropriated for the supply of materials to be used in the repair of the public and private roads in parishes:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Sale of exhausted gravel pits wherein there are private or other interests.

1. Where land has been allotted to or otherwise acquired by a parish, whether in the name of the surveyor of highways or other trustees, or generally for the purpose of the supply of materials for the repair of the public roads and highways in such parish, and also for the repair of private roads therein, or for some other purpose, public or private, and the materials in such land shall be exhausted, or shall not be suitable or required, and the land shall not be available for such other purpose, if any, the same shall be dealt with as land which falls within the operation of the third section of the Union and Parish Property Act, 1835, and the Parish Property and Parish Debts Act, 1842, subject to the provisions herein-after contained.

Local Government to hear and decide on objections and claims.

2. Before issuing their order for the sale of the land, the Local Government Board shall hear and decide upon every objection and claim made in writing by any person claiming an interest therein, within three months from the passing of the resolution for the sale of the land, and shall either refuse to sanction the sale, or allow it

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to proceed, providing, if necessary, for the interest of every person establishing the same out of the purchase money.

Disputed claims and interests of disabled persons.

3. If there be disputed claims to any interest in the said land, or if the person entitled to such interest be under legal disability, the Board shall direct that proceedings may be taken in the High Court of Justice, or, where the amount of the value in question shall not exceed fifty pounds, in the county court, for the settlement of such dispute, or for the proper disposal of such amount where there is no such dispute.

Right of pre-emption by adjoining owner.

4. When the Board shall see fit they may order that the land shall be offered to the owner or owners, as the case may be, of the adjoining land, at a price to be settled in such manner as the Board shall deem most expedient, and if such owner or owners shall be willing to purchase the same at such price the same shall be sold to such owner or owners, and not otherwise; and the declaration of such owner or owners as to their willingness to purchase shall be given within a time to be appointed by the said Board.

Mines how to be dealt with.

5. Where any right to mines or minerals under the land is claimed by the lord of the manor or other person, the Board may, if they see fit, reserve the same in their order for sale, or may order the sale subject to the right so claimed.

Appropriation of the interest of the parish in the produce of the sale.

6. The said Board, in dealing with the interest of the parish in the produce of the sale, shall cause such produce to be applied as far as practicable in the repair of the highways in the parish, or in some permanent improvement of the highways, or in an investment, so that the annual dividends may be applicable in aid of the highway rate until the Board shall otherwise order; and the said Board shall have the like power of dealing with the produce of the sale of lands under the Highway Acts, if applied to by the surveyor of highways or any authority exercising the powers of such surveyor, where such produce cannot be conveniently appropriated in the manner provided by those Acts.

Interpretation of the word "parish."

7. The word "parish" shall include every township or other place separately maintaining its own highways, except that where such township is not a parish within the operation of the abovementioned Acts of the years 1835 and 1842 respectively, the proceedings to be taken under them shall be restricted to such township or place; provided that the churchwardens and overseers, or the overseers only, as the case may be, of the parish, as defined

in the Poor Law Amendment Act of 1866, comprising such township or place shall discharge all the duties hereby rendered necessary for it in like manner as if it were co-extensive with such parish. A.D. 1876.

8. This Act shall be termed "The Sale of Exhausted Parish Lands Act, 1876." Short title.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 63.

An Act to render necessary in Ireland a Year's Notice to Quit to determine a Tenancy from Year to Year, and otherwise to amend the Law as to Notices to Quit. A.D. 1876.

[15th August 1876.]

WHEREAS it is expedient to require in Ireland a year's notice to quit to determine a tenancy from year to year, and otherwise to amend the law as to notices to quit:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. In any letting which shall take place after the passing of this Act a year's notice to quit, expiring on any gale day of the calendar year on which the rent becomes due and payable in respect of the holding, irrespective of the period of the year when such tenancy commenced, shall in all cases be necessary and sufficient to determine a tenancy from year to year of any holding in Ireland, where a notice to quit is now by law necessary for the determination of the same, except in the case when a tenant shall be adjudged a bankrupt, or shall have filed a petition for a composition or arrangement with his creditors, and in that case a half year's notice expiring on any gale day, irrespective of the period of the year when such tenancy commenced, shall be sufficient; but nothing in this section shall extend to the case of a tenancy from year to year where there is or may be an express agreement in writing as to the time and mode of determining such tenancy.

A year's notice to quit shall be necessary and sufficient to determine a tenancy from year to year.

2. No notice to quit, other than what was at the time of the passing of this Act required by law, shall be necessary to determine a tenancy at will, or a tenancy less than a tenancy from year to year.

A year's notice to quit not necessary in certain tenancies.

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Resumption for improvements.

3. Where on a tenancy from year to year a notice to quit is given by the landlord with a view to the use of land for any of the following purposes:

The providing of gardens for existing farm labourers cottages or other houses;

The allotment for labourers of land for gardens or other purposes;

The planting of trees;

Turbary;

The opening or working of any coal, ironstone, limestone, or other mineral, or of a stone quarry, clay, sand, or gravel pit, or the construction of any works or buildings to be used in connexion therewith;

The obtaining of brick earth, gravel, or sand;

The making of a watercourse or reservoir;

The making of any road, tramroad, siding, canal, or basin, or any wharf, pier, or other work connected therewith;

and the notice to quit so states, then it shall by virtue of this Act be no objection to the notice that it relates to part only of the holding.

In every such case the provisions of "The Landlord and Tenant (Ireland) Act, 1870," respecting compensation, shall apply to the extent of the premises mentioned in the notice to quit as on determination of a tenancy in respect of the entire holding.

The tenant shall also be entitled to a proportionate reduction of rent in respect of the land comprised in the notice to quit and in respect of any depreciation of the value to him of the residue of the holding caused by the withdrawal of that land from the holding or by the use to be made thereof, and the amount of that reduction shall be ascertained by agreement or settled under "The Landlord and Tenant (Ireland) Act, 1870," as in case of compensation. The forms already in use under the Land Act may be used so far as the same may be applicable.

In any case where the land comprised in a notice to quit under the provisions of this section shall exceed in the whole one twenty-fifth part of any individual holding, or shall seriously interfere with the dwelling-house or farm buildings of such holding, the tenant shall further be entitled at any time within twenty-eight days after the service of the notice to quit to serve on the landlord a notice in writing to the effect that he (the tenant) accepts the same as a notice to quit the entire holding, and the notice to quit shall have effect accordingly; but such notice to quit shall not be deemed a

disturbance of the tenant within the meaning of "The Landlord and Tenant (Ireland) Act, 1870," if the Court shall be of opinion that the tenant was unreasonable in giving such notice in writing.

Provided always, that nothing contained in this section shall interfere in any respect with the rights and privileges of the landlord under the fourteenth section of "The Landlord and Tenant (Ireland) Act, 1870."

Service of notice to quit in case of tenant's intestacy.

4. In any case where a tenant has died or shall die intestate, and no administration has been taken out to his estate, or in case a tenant has died or shall die leaving a will which has not been proved, it shall be sufficient to address a notice to quit "to the "representatives of, and all persons claiming to represent (naming "the tenant), deceased," and it shall not be necessary to otherwise set out or describe who such representatives are; and such notice to quit so addressed shall be deemed to be sufficiently served by leaving one copy of such notice at the former dwelling-house of the deceased tenant, or posting it on some conspicuous part of the holding, and sending another copy of such notice in a prepaid registered post letter addressed in manner above mentioned and directed to the townland and county in which the holding, or any part thereof, is situated, and such notice shall be good and effectual notwithstanding any subsequent administration or probate granted to any person or persons whatsoever.

Agricultural or pastoral holdings only subject to this Act.

5. This Act shall not apply to any holding which is not agricultural or pastoral in its character, or partly agricultural and partly pastoral, and the term "holding" shall include all land of the same character held by the same tenant of the same landlord for the same term, and under the same contract of tenancy.

Repeal of portion of the 58th section of the Landlord and Tenant (Ireland) Act, 1870.

6. So much of the fifty-eighth section of "The Landlord and Tenant (Ireland) Act, 1870," as enacts that "a notice to quit "shall not, in the case of a tenant from year to year, take effect "until after the expiration of a period of not less than six calendar "months from the date of the service of the notice, such period of "six calendar months, in the absence of agreement to the contrary, "to terminate on the last gale day of the calendar year," shall be and the same is hereby repealed, save and except as to notices to quit served before the passing of this Act. In lieu of the words so repealed, it is hereby enacted that in all cases of tenancies from year to year existing at the time of the passing of this Act, unless there be a special agreement in writing as to the time and mode of determining such tenancy, the tenancy shall only be determinable by a notice to quit expiring on the last gale day of any year, and

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served six calendar months previously; and every notice to quit so served and requiring the tenant to give up possession on such gale day shall be sufficient to determine the tenancy, irrespective of the period of the year at which such tenancy commenced, and such tenancy shall be determined on the day named in such notice in the same manner as if the tenancy had originally commenced upon a day of the year corresponding to such day.

Not to affect pending notices.

7. Nothing in this Act shall affect or invalidate notices to quit served before the passing of this Act.

Short title.

8. This Act may be cited as "The Notices to Quit (Ireland) Act, 1876," and shall be construed as one Act with "The Landlord and Tenant (Ireland) Act, 1870," save so far as it repeals or is inconsistent with said Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 64.

An Act to continue for one year the Police (Expenses) Act, 1875. [15th August 1876.]

A.D. 1876.

WHEREAS by the Police (Expenses) Act, 1875, it is enacted that so much of any Act as limits the amount authorised to be contributed by the Commissioners of Her Majesty's Treasury out of moneys provided by Parliament towards the expenses of any police force in Great Britain to a particular amount, or a particular proportion of any annual sum or charge specified in such Act, shall, during the continuance of that Act, be repealed, and it is further enacted that that Act shall continue in force until the first day of September one thousand eight hundred and seventy-six:

38 & 39 Vict. c. 48.

And whereas it is expedient that the said Act should be continued for a period of one year:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows; (that is to say,)

1. This Act may be cited as The Police (Expenses) Continuance Act, 1876.

Short title.

2. The Police (Expenses) Act, 1875, shall continue in force till the first day of September one thousand eight hundred and seventy-seven.

Continuance of Act till 1st Sept. 1877.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 65.

An Act to amend the Tramways (Ireland) Act, 1860, and the Tramways (Ireland) Amendment Act, 1861, as regards the application of the same to the county and the county of the city of Dublin. [15th August 1876.]

A.D. 1876.

WHEREAS it is expedient to amend and vary the provisions of The Tramways (Ireland) Act, 1860, and The Tramways (Ireland) Amendment Act, 1861, in this Act referred to as "The Tramways Acts," as regards the application of the same to the county of Dublin and the county of the city of Dublin:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

One approval by grand jury of county of Dublin and by municipal corporation to be sufficient.

1. It shall not in future be necessary for the grand jury of the county of Dublin or the municipal corporation of the city of Dublin to pronounce a provisional approval of any undertaking, under the Tramways Acts, but the said grand jury or said municipal corporation as the case may be in proceeding under the fifth section of the Tramways (Ireland) Act, 1860, shall definitely approve or disapprove of such undertaking, in the case of the said grand jury at the first presenting term at which the same shall be brought before them, and in the case of the said municipal corporation at a meeting of the said municipal corporation held for the consideration of the matter of any such undertaking in the manner herein-after mentioned; and it shall not be necessary to obtain any further or other approval from the said grand jury or municipal corporation at any subsequent term or meeting.

When meetings of corporation may be held.

2. A meeting of the said municipal corporation for the purpose aforesaid may be held during the present year on any day, and in any

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subsequent year any meeting of the said municipal corporation for the purpose aforesaid shall be held upon the first day of Easter or Michaelmas term in any year, or in case any such day shall be on Sunday, then on the next succeeding day, and notice of such meeting and of the object of the same shall be duly given in such manner as notices of meetings of the corporation are usually given seven clear days before the day of holding the same.

When advertisements must be published, and deposits made.

3. In the case of the county of Dublin or the county of the city of Dublin the advertisements required by the first section of the Tramways (Ireland) Act, 1860, shall be published at least two calendar months before the presenting term or meeting of the municipal corporation at which the application shall be made, and the deposits required by the second and fourth sections and the notices required by the third section of the said Tramways (Ireland) Act, 1860, shall be made and given at least one calendar month before such presenting term or meeting.

Approval of grand jury or corporation may be traversed.

4. Any person entitled to appear on the inquiry before the grand jury or municipal corporation, as the case may be, may, in the case of their approval of the undertaking, traverse such approval, subject to and under the following regulation:—

Such traverse shall be entered with the Master of the Crown Office of the Court of Queen's Bench within three days after such approval.

And it shall be on either of the following grounds:—

First. That the preliminaries required by law for the application to the said grand jury or municipal corporation have not been complied with; or,

Second. That the construction of the undertaking according to the plan approved of by the grand jury or municipal corporation would not be beneficial to the public.

In the case of a traverse on the first ground same shall be disposed of by the Court of Queen's Bench after hearing such evidence as may be adduced.

In the case of a traverse on the second ground same shall be tried in all respects as traverses of grand jury presentments in the case of the county of Dublin, or as traverses of presentments made by the town council of Dublin in the case of the county of the city of Dublin are or may be triable, and according to the provisions by statute or otherwise in force with respect to such traverses respectively.

The Court of Queen's Bench or any judge thereof may, if it shall appear fit, direct such traverse to be tried by a special jury.

In case more persons than one shall enter a traverse on the second ground there shall be one trial of all such traverses, and the judge before whom such traverse is tried shall make such order as may seem fit for the conducting of such trial and the appearance and intervention of the several traversers thereat.

Whenever a traverse has been entered under this Act, the same, if on the first ground herein-before mentioned, shall be disposed of by the Court of Queen's Bench in the term in which same has been entered, or in the term next after the entry of such traverse, and if such traverse is on the second ground herein-before mentioned, the same shall be tried at the after sittings which shall commence next after the entry of such traverse: Provided always, that it shall be lawful for the Court of Queen's Bench, or any judge thereof, if it shall seem fit, to postpone the trial of such traverse, and in case the Court of Queen's Bench shall rule, or the jury find, in favour of such traverse, as the case may be, the approval of the grand jury or municipal corporation shall be void and of no effect. Every traverse on the first ground shall be confined to the specific points mentioned by the traverser in his memorial lodged with the secretary of the grand jury or town clerk, as the case may be, and the particular points of non-compliance complained of shall be also stated in such traverse.

Confirmation of an Order in Council.

5. Whereas a certain order by the Lord Lieutenant in Council bearing date the eleventh March one thousand eight hundred and sixty-seven, authorising the making and maintaining by the City of Dublin Tramways Company, Limited, of certain tramways therein mentioned, was made before any general rules were made in pursuance of the thirty-seventh section of the Tramways (Ireland) Act, 1860, regulating the times at which notices should be given, deposits made, and other proceedings taken in the county of Dublin and the county of the city of Dublin under the said Act, and said tramways have been under and by virtue of the authority of said order made and maintained, and are now being worked in the county of the city of Dublin, and doubts are entertained concerning the validity of the said order, by reason of the said order having been made before any such general rules as herein-before mentioned were made, and it is expedient to remove such doubts: Be it therefore enacted, that the order by the Lord Lieutenant in Council, made at the Council Chamber in Dublin and bearing date the eleventh day of March

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one thousand eight hundred and sixty-seven, authorising the making and maintaining of certain tramways in the city of Dublin in the said order mentioned, shall be and the same is hereby confirmed, and the said order shall for all purposes be deemed to have been made under and by virtue and in pursuance of and in conformity with the powers conferred by The Tramways Acts.

Interpretation of terms.

6. In the Tramways Acts the expression "grand jury" shall include the municipal corporation of the city of Dublin, and the term "county surveyor" shall include the city engineer of the said city.

This and recited Acts to be read together.

7. This Act and the Tramways Acts, save so far as the same are varied by this Act, shall be read together as one Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 66.

An Act to amend the Law relating to Legal Practitioners. A.D. 1876.

[15th August 1876.]

WHEREAS it is expedient to amend the law relating to legal practitioners:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Legal Practitioners Act, 1876." Short title.

2. It shall be lawful for any certificated solicitor of the Supreme Court to appear as a proctor in the provincial courts of Canterbury and York. Solicitors may appear as proctors.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 67.

An Act for making provision respecting Shares in the Capital of the Universal Company of the Maritime Canal of Suez, acquired on behalf of the Crown. [15th August 1876.]

A.D. 1876.

WHEREAS on the twenty-fifth day of November one thousand eight hundred and seventy-five an Agreement was entered into on behalf of Her Majesty the Queen on the one part, and of His Highness the Khedive of Egypt on the other part, for the purchase, on the terms therein mentioned, of shares held by His Highness the Khedive in the capital of the Universal Company of the Maritime Canal of Suez, which Agreement was in the words and figures following; that is to say,—

AGREEMENT entered into this 25th day of November, in the year of our Lord 1875, between Major-General EDWARD STANTON, C.B., Her Britannic Majesty's Agent and Consul-General in Egypt, acting on behalf of Her Britannic Majesty's Government on the one part, and His Excellency ISMAIL SADEK PASHA, Egyptian Minister of Finance, acting on behalf of His Highness the Khedive of Egypt, on the other part.

WHEREAS His Highness the Khedive has proposed to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, and whereas Her Britannic Majesty's Government has proposed to purchase from His Highness the Khedive 177,642 shares in the said Suez Canal Company, for the sum of 4,000,000*l.* sterling.

Now it is hereby witnessed that His Highness the Khedive agrees to sell to Her Britannic Majesty's Government the whole of his shares in the Suez Canal Company, being to the number of 176,602 shares, not, as supposed by Her Britannic Majesty's Government, 177,642 shares; and Her Britannic Majesty's

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Government agrees to purchase the same for the sum of 4,000,000*l.* sterling, less the proportionate value of the 1,040 shares, the difference between 177,642, and 176,602, and Her Britannic Majesty's Government agrees to recommend to Parliament to sanction the contract.

Her Britannic Majesty's Government undertakes that on the 1st of December next, on the deposit of the shares in the hands of Her Majesty's Agent and Consul-General in Egypt, the sum of 1,000,000*l.* sterling shall be held at the disposal of the Egyptian Government, in the hands of Messrs. N. de Rothschild and Sons of London; and that the remaining 3,000,000*l.* sterling, less the amount to be deducted for the value of the 1,040 shares above mentioned, shall be provided in the months of December and January next, as may be arranged between the Egyptian Government and Messrs. Rothschild and Sons.

The Egyptian Government undertakes to pay to Her Britannic Majesty's Government interest at the rate of 5 per cent. per annum on the whole amount of the purchase money of the said 176,602 shares, in equal half-yearly payments,—the said payments to be made in London on the 1st of June and the 1st of December in each year, until such time as the coupons of the said shares shall be liberated from the engagement now existing with the Suez Canal Company; and the Egyptian Government further engages that the amount of the said interest shall be charged on the revenues of Egypt.

In witness whereof we have this day affixed our signatures and official seals.

(Signed) EDWD. STANTON. (L.S.)
(Sealed) ISMAIL SADEK.

And whereas on the twenty-third day of February one thousand eight hundred and seventy-six, the House of Commons resolved that a sum not exceeding four million and eighty thousand pounds be granted to Her Majesty, to enable Her Majesty to pay the purchase money of the shares which belonged to the Khedive of Egypt in the Suez Canal, and the expenses attendant thereon, which will come in course of payment during the year ending on the thirty-first day of March one thousand eight hundred and seventy-six:

And whereas by The Exchequer Bonds Act, 1876, the Commissioners of Her Majesty's Treasury are empowered within one month after the thirty-first day of March one thousand eight hundred and seventy-six to raise money not exceeding four million and eighty thousand pounds by the issue of Exchequer bonds at interest:

And whereas it is expedient that provision be made respecting the custody and disposal of the shares aforesaid, and the receipt and application of money to accrue under the said agreement and on those shares, and for other purposes relating thereto:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Treasury to hold and use shares.

1. The Commissioners of Her Majesty's Treasury shall receive and hold, and may use, the shares aforesaid, on behalf of Her Majesty the Queen, her heirs and successors, on trust for public purposes.

Payment of receipts to Consolidated Fund.

2. All money received under the recited Agreement, or in respect of the shares aforesaid, shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund of the United Kingdom.

Accounts to be laid before Houses of Parliament.

3. The Commissioners of Her Majesty's Treasury shall cause to be laid before both Houses of Parliament, within three months after the thirty-first day of March in every year, accounts, shewing the sums received under the recited Agreement, or in respect of the shares aforesaid, and the charge within the year for principal of and interest on the money raised in respect of the purchase of the shares aforesaid, and the amount of principal money still outstanding.

Short title.

4. This Act may be cited as The Suez Canal (Shares) Act, 1876.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 68.

An Act to amend the Law for the payment of Remuneration and the Grant of Superannuation Allowances and Gratuities to certain persons employed under Her Majesty's Principal Secretary of State for the War Department and Her Majesty's Postmaster General. [15th August 1876.] A.D. 1876.

WHEREAS by the Superannuation Act, 1859, it is enacted that for the purposes of that Act no person thereafter to be appointed shall be deemed to have served in the permanent Civil Service of the State unless such person holds his appointment directly from the Crown, or has been admitted into the Civil Service with a certificate from the Civil Service Commissioners: 22 Vict. c. 26.

And whereas by an Order in Council of the twenty-first day of May one thousand eight hundred and fifty-five, it is ordered that, subject as therein mentioned, such young men as may be proposed to be appointed to any junior situation in any department of the Civil Service shall, before they are admitted to probation, be examined by or under the direction of the Civil Service Commissioners, and shall receive from them a certificate of qualification for such situation; and by a further Order in Council of the fourth day of June one thousand eight hundred and seventy, it is ordered that, subject to the exceptions therein mentioned, the qualifications of all such persons as may be proposed to be appointed, either permanently or temporarily, to any situation or employment in any department of the Civil Service, shall, before they are employed, be tested by or under the directions of the Civil Service Commissioners, and that no person shall be employed in any department of the Civil Service until he has been reported by the said Commissioners to be qualified as therein mentioned:

And whereas it is expedient to make the provision herein-after appearing with respect to certain persons appointed without such

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certificates of their qualification as are required by the said Act and Orders in Council:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited as the Superannuation Post Office and War Office Act, 1876.

Provision for remuneration and superannuation allowance to certain officers of the General Post Office.

2. Whereas it appears that in connexion with the transfer of the telegraphs to Her Majesty's Postmaster General many persons have been, since the passing of the said Orders in Council, and before the thirtieth day of September one thousand eight hundred and seventy-four, appointed by the Postmaster General to situations or employments in the post office or in the telegraph service, without any steps having been taken, before their appointment, to procure from the Civil Service Commissioners certificates of their qualification, as required by the Superannuation Act, 1859, and the said Orders in Council:

And whereas it is expedient to make the provision herein-after appearing for authorising the payment to persons so irregularly appointed of the remuneration and of the superannuation allowances or gratuities (if any) which they might have obtained if they had been regularly appointed: Be it therefore enacted that—

If Her Majesty's Postmaster General at any time before the thirty-first day of December one thousand eight hundred and seventy-six certifies that, in connexion with the transfer of the telegraphs to him, any person—

(*a.*) Has, since the twenty-eighth day of January one thousand eight hundred and seventy and before the thirtieth day of September one thousand eight hundred and seventy-four, been appointed to any situation or employment under him authorised by the Commissioners of Her Majesty's Treasury (in this Act referred to as the Treasury); and

(*b.*) Was admitted thereto without such certificate of his qualification from the Civil Service Commissioners as is required by the said Act and the said Orders in Council; and

(*c.*) Continues to be employed in such situation or employment or in such other situation or employment as he would have been qualified to hold without obtaining a further certificate from the Civil Service Commissioners if he had been admitted to the first-mentioned situation or employment with a certificate from them; and

(*d.*) Is in the opinion of the Postmaster General satisfactorily performing the duties on which he is engaged; A.D. 1876.

the Treasury may, if they think fit, at any time before the first day of April one thousand eight hundred and seventy-seven, by warrant confirm such person in the situation or employment which he is holding at the date of the warrant.

Every person so confirmed shall be in the same position as regards his claim to remuneration, and (if he is serving in the permanent Civil Service of the State) to a superannuation allowance or gratuity under the Superannuation Act, 1859, as he would have been in if he had been admitted into the Civil Service with a certificate from the Civil Service Commissioners.

Provided that every person so confirmed shall on his completing the sixtieth year of his age (unless the Postmaster General recommends him for special reasons to be continued in his situation or employment, and unless the Treasury, by some writing under the hands of any two of the Commissioners, or under the hand of one of their secretaries, consent to such continuance) retire from his situation or employment, with such superannuation allowance (if any) or gratuity (if any) as may be awarded to him by the Treasury in pursuance of the Superannuation Act, 1859.

Provision for superannuation allowances to certain officers of the War Department. 36 & 37 Vict. c. 23.

3. Whereas by the Superannuation Act Amendment Act, 1873, it was enacted as follows:

"The Commissioners of Her Majesty's Treasury may, if they "think fit, at any time before the first day of January one thousand "eight hundred and seventy-four, with the concurrence of the Civil "Service Commissioners, and on application being made to them for "that purpose by the head or heads of any public department of the "State, declare by order or warrant that any person who has been "appointed to a permanent situation in such department without a "certificate from the Civil Service Commissioners after the passing "of the said Superannuation Act, 1859, and before the fourth day "of June one thousand eight hundred and seventy, was so appointed "through inadvertence on the part of the head or heads of such "department, and without any default on the part of the person so "appointed, and every person with respect to whom such order or "warrant may be issued shall be in the same position as regards his "claim to a superannuation allowance or gratuity, under the said "Superannuation Act, 1859, as he would have been in if he had "been admitted into the Civil Service with a certificate from the "Civil Service Commissioners."

A.D. 1876.

And whereas through mistake on the part of certain officers of Her Majesty's Principal Secretary of State for the War Department an application for the purpose of the said enactment with respect to certain persons appointed to permanent situations in the Small Arms Factory and the Royal Gunpowder Factory of that department was not made within the time limited for that purpose, and it is unjust that those persons should on that account only be excluded from the benefit of the Superannuation Act Amendment Act, 1873: Be it therefore enacted that—

An order or warrant with respect to any person who has been appointed before the fourth day of June one thousand eight hundred and seventy to a permanent situation in the Small Arms Factory and the Royal Gunpowder Factory, under Her Majesty's Principal Secretary of State for the War Department, may be made under section one of the Superannuation Act Amendment Act, 1873, at any time before the thirty-first day of December in the year one thousand eight hundred and seventy-six in like manner as if that year were substituted in the said section for one thousand eight hundred and seventy-four.

Limitation of effect of declaration, &c. under Act.

4. An order or warrant issued in pursuance of this Act with respect to any person shall exempt that person from the obligation to obtain a certificate from the Civil Service Commissioners in respect only of the situation or employment which he was holding at the date of the order or warrant, or such other situation or employment as he would have been qualified to hold without obtaining a further certificate from the Civil Service Commissioners if he had been admitted to the first-mentioned situation or employment with a certificate from those Commissioners.

Return to be laid before Parliament.

5. The Treasury shall cause to be laid before Parliament within one month after the first day of April one thousand eight hundred and seventy-seven, if Parliament be then sitting, or if not within one month after the then next meeting of Parliament, a return showing the names of all persons with respect to whom any order or warrant has been issued in pursuance of this Act, together with the situations or employments to which such persons have been appointed.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 69.

An Act to continue various expiring Laws. A.D. 1876.

[15th August 1876.]

WHEREAS the several Acts mentioned in column one of the schedule to this Act are, to the extent specified in column two of that schedule, limited to expire on the thirty-first day of December one thousand eight hundred and seventy-six:

And whereas it is expedient to provide for the continuance as in this Act mentioned of such Acts, and of the enactments amending the same:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the Expiring Laws Continuance Act, 1876. Short title.

2. The Acts mentioned in column one of the schedule to this Act, in so far as they are temporary in their duration, shall, to the extent in column two of the said schedule mentioned, be continued until the thirty-first day of December one thousand eight hundred and seventy-seven, and any enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner. Continuance of Acts in schedule.

A.D. 1876.

SCHEDULE.

1. Original Acts.	2. How far continued.	3. Amending Acts.
(1) 5 & 6 Will. 4. c. 27. Linen, Hempen, Cotton, and other Manufactures (Ireland).	The whole Act so far as it is not repealed.	3 & 4 Vict. c. 91. (except ss. 18 and 23). 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2) 3 & 4 Vict. c. 89. Poor Rates, Stock in Trade Exemption.	The whole Act.	——
(3) 4 & 5 Vict. c. 35. Copyhold, Inclosure, and Tithe Commissioners.	So much as relates to the appointment of and the period for holding office by Commissioners and other officers.	14 & 15 Vict. c. 53. 25 & 26 Vict. c. 73.
(4) 4 & 5 Vict. c. 59. Application of Highway Rates to Turnpike Roads.	The whole Act.	——
(5) 10 & 11 Vict. c. 32. Landed Property Improvement (Ireland).	As to powers of Commissioners.	12 & 13 Vict. c. 59. 13 & 14 Vict. c. 31. 25 & 26 Vict. c. 29. 29 & 30 Vict. c. 40.
(6) 10 & 11 Vict. c. 98. Ecclesiastical Jurisdiction.	As to provisions continued by 21 & 22 Vict. c. 50.	——
(7) 11 & 12 Vict. c. 32. County Cess (Ireland).	The whole Act - -	20 & 21 Vict. c. 7.
(8) 11 & 12 Vict. c. 107. Sheep and Cattle Diseases.	The whole Act as to Ireland.	16 & 17 Vict. c. 62. 29 & 30 Vict. c. 4. 33 & 34 Vict. c. 36. 35 & 36 Vict. c. 16. 37 & 38 Vict. c. 6.
(9) 14 & 15 Vict. c. 104. Episcopal and Capitular Estates Management.	The whole Act so far as it is not repealed.	17 & 18 Vict. c. 116. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114. s. 10.
(10) 17 & 18 Vict. c. 102. Corrupt Practices Prevention.	The whole Act so far as it is not repealed.	21 & 22 Vict. c. 87. 26 & 27 Vict. c. 29. 31 & 32 Vict. c. 125.
(11) 23 & 24 Vict. c. 19. Dwellings for Labouring Classes (Ireland).	The whole Act.	——
(12) 24 & 25 Vict. c. 109. Salmon Fishery (England) Act.	As to appointment of inspectors, s. 31.	——

1. Original Acts.	2. How far continued.	3. Amending Acts.
(13) 25 & 26 Vict. c. 97. Salmon Fisheries (Scotland).	As to the powers of commissioners, &c.	26 & 27 Vict. c. 50. 27 & 28 Vict. c. 118.
(14) 26 & 27 Vict. c. 105. Promissory Notes.	The whole Act.	—
(15) 27 & 28 Vict. c. 9. Malt for Animals.	The whole Act.	—
(16) 27 & 28 Vict. c. 20. Promissory Notes and Bills of Exchange (Ireland).	The whole Act.	—
(17) 28 & 29 Vict. c. 46. Militia Ballots Suspension.	The whole Act.	—
(18) 28 & 29 Vict. c. 66. Charging of Malt Duty by Weight.	The whole Act so far as it is not repealed.	29 & 30 Vict. c. 64.
(19) 28 & 29 Vict. c. 83. Locomotives on Roads.	The whole Act.	—
(20) 29 & 30 Vict. c. 52. Prosecution Expenses.	The whole Act.	—
(21) 31 & 32 Vict. c. 125. Election Petitions and Corrupt Practices.	The whole Act.	—
(22) 32 & 33 Vict. c. 21. Election Commissioners Expenses.	The whole Act - -	34 & 35 Vict. c. 61.
(23) 34 & 35 Vict. c. 87. Sunday Observance Prosecutions.	The whole Act.	—
(24) 34 & 35 Vict. c. 105. Petroleum.	The whole Act.	—

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Sheriff Courts (Scotland).

[39 & 40 Vict. Ch. 70.]

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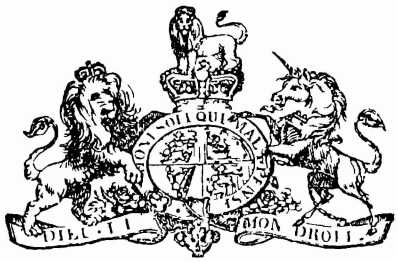

CHAPTER 70.

An Act to alter and amend the Law relating to the Administration of Justice in Civil Causes in the ordinary Sheriff Courts in Scotland, and for other purposes relating thereto. A.D. 1876.

[15th August 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited for all purposes as "The Sheriff Courts (Scotland) Act, 1876." Short title.

2. This Act shall commence and come into operation on the first day of October one thousand eight hundred and seventy-six, which date is herein-after referred to as the commencement of this Act. Unless where otherwise expressly provided, this Act shall only apply to civil proceedings in the ordinary sheriff court. Commencement and application of Act.

3. In this Act, unless when there is something in the sense or context repugnant to that construction, the following terms have the meanings herein-after assigned to them; that is to say, Interpretation of terms.

"Action" includes every civil proceeding competent in the ordinary sheriff court:

"Person" includes company, corporation, and firm:

"Sheriff" includes sheriff substitute:

"Sheriff clerk" includes sheriff clerk depute, and in Part VIII. of this Act means commissary clerk, in those cases in which such office is not abolished:

"Agent" means a law agent enrolled in terms of the Act of the thirty-sixth and thirty-seventh years of the reign of Her present Majesty, chapter sixty-three:

"Final judgment" means a judgment or interlocutor which, either by itself or taken along with a previous interlocutor or

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interlocutors, disposes of the whole subject-matter of the cause, or of the competition between the parties in a process of competition, although judgment shall not have been pronounced on all the questions of law or fact raised therein, and although expenses, if found due, have not been taxed, modified, or decerned for.

I.—*Sessions.*

Of the sessions.

4. Each sheriff shall hold two sessions in each year, the one of which shall be called the winter session, and the other the summer session.

The winter session shall in each year commence on the first day of October or the first ordinary court day thereafter, and shall end on the last ordinary court day in March; but it shall be lawful for the sheriff to adjourn the court at Christmas time for a period not exceeding fifteen days.

The summer session shall commence on the first day of May or the first ordinary court day thereafter, and shall end on the last ordinary court day in July.

Court days in vacation.

5. The sheriff shall before the termination of each winter session appoint at least one court day during the spring vacation for the despatch of civil business; and shall before the termination of each summer session appoint at least two court days during the autumn vacation for the same purpose.

II.—*Petition and Service.*

Form of petitions and defences.

6. Every action in the ordinary sheriff court shall be commenced by a petition in one of the forms as nearly as may be, contained in Schedule (A.) annexed to this Act, in which the pursuer shall set forth the court in which the action is brought, his own name and designation, and the name and designation of the defender, and the prayer of the petition, without any statement whatever of the grounds of action. There shall be annexed to the petition a statement (in the form of an articulate condescendence) of the facts which form the grounds of action, and a note of the pursuer's pleas in law, which condescendence and note of pleas shall be held to constitute part of the petition.

The statement of facts shall be made succinctly and without quotation from documents except where indispensable.

The warrant following upon such petition shall be as nearly as may be in the form contained in the said Schedule (A.), which schedule and the notes thereto and directions therein shall be construed and have effect as part of this Act.

7. Any petition, warrant, interlocutor, order, or pleading may be written or printed, or partly written and partly printed.

Petitions, &c. may be written or printed.

8. All petitions may, except as herein-after provided, proceed on seven days warning or induciæ where the defender is within Scotland, unless in Orkney and Shetland, or in any other island within Scotland, and fourteen days where he is in Orkney or Shetland, or such other island, or is not within Scotland; and in all kinds of execution proceeding upon extracted decrees a seven days charge shall, except as herein-after provided, be competent and sufficient:

Induciæ of petitions and periods of charge.

Provided that,—

(1.) In any case in which a shorter warning or induciæ or period of charge is by law in force at the commencement of this Act sufficient, such shorter warning or induciæ or period of charge shall continue to be sufficient after the commencement of this Act:

(2.) It shall be lawful for the sheriff to shorten the warning or induciæ as he shall see fit in any case which he considers to require special despatch.

9. It shall be competent to execute edictally any warrant of citation granted or charge on an extracted decree pronounced by a sheriff against any person furth of Scotland, by delivery of a copy thereof at the office of the keeper of edictal citations at Edinburgh according to the mode established in regard to the execution edictally of citations and charges on warrants of the Court of Session; or by sending to such keeper in a registered post-letter a certified copy of such warrant or charge, of which copy the keeper shall acknowledge the receipt. Every citation or charge so executed edictally shall be recorded in the record of edictal citations in Edinburgh in a separate record of edictal citations or charges against persons furth of Scotland cited or charged upon warrants proceeding from any sheriff court therein.

Sheriff's warrants, &c. may be executed edictally.

Where the party cited or charged has a known residence or place of business in England or Ireland, a copy of the petition and citation, or of the decree and charge, on fourteen days induciæ, shall be posted in a registered letter to the party at such address by the officer, whose execution shall bear that he has done so. The sheriff clerk shall in all warrants to cite or charge persons furth of Scotland insert a warrant to cite or charge edictally.

10. Every petition commencing an action shall, after it has been lodged for calling, remain in the hands of the clerk of court, unless the sheriff shall give a special order in writing to the contrary.

Original petitions to remain in the hands of the clerk; certified copies may be borrowed.

In every defended action the pursuer shall forthwith, on the defence being lodged, lodge in process a copy of the petition,

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and of the warrant thereon, certified as correct by him or his agent in the cause, and which may thereafter be borrowed by any party to the process, and where a warrant has been granted to arrest on the dependence of the action, such certified copy shall be a sufficient warrant for such arrestment. Separate precepts of arrestment may be issued as heretofore.

As to proving lost petitions.

11. Where a petition or any other pleading is lost or destroyed a copy thereof proved in the action to the satisfaction of the sheriff before whom the action is depending at the time, and authenticated in such manner as he shall require, may be substituted, and shall be held equivalent to the original for the purposes of the action.

Of the service of writs.

12. With regard to the service of writs issuing from the sheriff courts, the following provisions shall have effect; that is to say,

(1.) A warrant of citation issuing from any sheriff court against any defender who under the provisions of this Act is subject to the jurisdiction of such sheriff court, but who has his domicile within the jurisdiction of another sheriff court, may be competently executed against such defender within and by an officer of the sheriff court of the county in which such defender is domiciled without any indorsation thereof by the sheriff clerk of such last-mentioned county:

(2.) A party who appears shall not be permitted to state any objection to the regularity of the execution or service as against himself of the petition by which he is convened:

(3.) The sheriff may authorise the pursuer to serve of new his petition on any defender who has not entered appearance should it appear to the sheriff that there was any irregularity in the service on such defender, and the petition, on being so served of new, shall be proceeded with as if there had been no previous service, subject to such order as to expenses as to the sheriff shall seem just:

(4.) Service, in ordinary form, on a minor, and on his father as curator at law, or upon a minor and his tutors and curators if known to the pursuer, or, if they are not known, upon the minor himself in ordinary form, and his tutors and curators edictally, shall be good and sufficient service on the minor for every purpose of law:

(5.) An arrestment shall be ineffectual, when the schedule of arrestment shall not have been personally served on the arrestee, unless a copy of such schedule shall also be sent to the arrestee at his last known place of abode through the post by the officer serving the same, who shall certify in his

execution that he has done so, stating the address to which the copy has been sent: A.D. 1876.

(6.) Service at the market cross is hereby abolished.

Amendment of petitions in undefended causes.

13. In an undefended action in the sheriff court any error or defect in the petition whereby the same is commenced may be amended, if the sheriff shall think such amendment should be allowed; and such amendment shall be made in writing, either upon the petition, or in a separate paper, signed by the pursuer or his agent; and the sheriff may, if he shall see fit, order the amended petition to be served upon any defender who has not entered appearance, and allow him to enter appearance within such time as shall seem proper: Provided that the expenses occasioned by such amendment shall not be chargeable against any defender; provided also, that such amendment shall not have the effect of validating diligence used on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself, or by any person representing him by a title, or in right of a debt contracted by him subsequent to the using of such diligence.

III.—*Decrees in absence.*

Decrees in absence.

14. On the expiration of the induciæ in any action without appearance being entered for the defender, the sheriff shall, on the motion of the pursuer, grant decree in absence in common form in terms of the prayer of the petition, or subject to such restrictions as may be set forth in a minute written on the petition by the pursuer or his agent, and the sheriff clerk may, seven days after the granting of a decree in absence, issue extract of such decree: Provided as follows:

(1.) At any time within seven days from the date of such decree it shall be competent for the defender, after consigning in the hands of the sheriff clerk the sum of two pounds sterling, and lodging his defences, to enrol the action in the sheriff's motion roll; or when such seven days shall expire in time of vacation, after consignation as aforesaid, to lodge his defences with the sheriff clerk, at any time within such seven days, and thereafter to enrol the action in the said roll against the next ensuing sitting of the court; and the action being in the roll, to move the court to

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recall the decree in absence; and when this motion is made the sheriff shall pronounce an interlocutor recalling the decree in absence, and allowing the defences to be received; and the action shall thereupon proceed as if appearance had been made in due time.

The sheriff shall, unless there seems to him to be any special reason to the contrary, order the consigned money to be paid to the pursuer towards his expenses, and that whether the decree in absence has been recalled or not.

Until the motion for the recall of the decree in absence has been disposed of, the decree shall not be extracted.

(2.) Should the defender fail to take, within seven days of the date of such decree, the steps herein-before provided with a view to having the decree recalled, or to follow out the same, he may obtain the recall of the decree whether extracted or not at any time before implement has followed thereon, or so far as the same shall not have been implemented, by presenting to the sheriff a written note in which he shall set forth his explanation of his failure to enter appearance in the action and to take within such seven days the steps herein-before provided as aforesaid, or to follow out the same, and producing with such note his defences to the action in which the decree was granted and any documentary evidence he may have in support of such explanation, and consigning the sum of five pounds; and it shall not be necessary for the pursuer to lodge any answer to the said note, but it shall be lawful for the sheriff, if satisfied with the explanation aforesaid, to recall the said decree, so far as not implemented, and order payment to the pursuer out of the consigned money of his expenses, including the expense of any charge or diligence upon the decree, or to refuse the note or do otherwise as he shall think just.

The balance of the consigned money, if any, shall remain in the hands of the sheriff clerk until the sheriff shall make an order as to the disposal of the same.

(3.) A note for the recall of a decree under the preceding sub-section shall, after being intimated to the pursuer or his agent, and till refused, operate as a sist of diligence on such decree, and on such decree being recalled the action in which it was granted shall thereafter proceed in all respects as if appearance therein had been duly made by the defender.

(4.) Any interlocutor or order recalling, or incidental to the recall, of a decree in absence pronounced under this section shall be final and not subject to review.

Certain decrees in absence to have effect as decrees in foro.

15. Where a decree upon which a charge is competent shall have been pronounced in absence of a defender after personal service of the petition on such defender, or after the entering of appearance for such defender with his authority, or where a defender shall have been personally charged on such a decree, whether the petition was personally served upon him or appearance made for him with his authority or not, and such decree shall not have been recalled in virtue of the provisions to that effect herein-before contained, such decree, upon the lapse of six months after the expiration of a charge upon it not brought under review by suspension, where suspension is competent, shall be entitled to all the privileges of a decree in foro against such defender; and any decree on which a charge is not competent, obtained in absence after such personal service or appearance as aforesaid, shall be final after the lapse of twenty years from its date unless the same shall before that time have been lawfully recalled or brought under review by suspension or reduction.

IV.—*Entering Appearance: Records.*

Procedure where defender enters appearance.

16. Where the defender intends to state a defence, he shall enter appearance by lodging with the sheriff clerk, before the expiration of the induciæ, a notice in the form of Schedule (B.) annexed to this Act; and he shall, on the first court day after the expiration of the induciæ, or at the latest at an adjourned diet not later than seven days after the expiration of the induciæ, lodge defences with the sheriff clerk. The defences shall be in the form of articulate answers to the condescendence, and shall have appended thereto a note of the defender's pleas in law, and, where necessary, a statement of the facts on which the defender founds in defence.

The statement of facts and answers shall be made succinctly and without quotation from documents except where indispensable.

Revisal of pleadings not to be allowed as matter of course.

17. Neither party shall be entitled as matter of right to ask for a revisal of his pleadings; but it shall be competent for the sheriff to allow or to order a revisal of the pleadings, upon just cause shown.

Procedure after pleadings completed, and

18. If no motion for revisal is made, or if such a motion is refused, or after the lapse of the period within which the revised pleadings fall to be lodged where a revisal has been allowed or

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adjustment of pleadings.

ordered, the sheriff clerk shall transmit the process to the sheriff and the sheriff shall direct the action to be put to the roll for the first court day occurring not less than four days thereafter, and upon such day shall require the parties then to adjust their pleadings, and shall close the record.

Prorogations of consent abolished.

19. It shall not be competent of consent of parties to prorogate the time for complying with any statutory enactment or order of the sheriff, whether with reference to the making up and closing of the record, appointing a diet of proof, diet of debate, or otherwise.

If parties fail to appear in defended action, sheriff to give judgment.

20. Where in any defended action one of the parties fails to appear by himself or his agent at a diet of proof, diet of debate, or other diet in the cause, it shall be in the power of the sheriff to proceed in his absence, and unless a sufficient reason appear to the contrary he shall, whether a motion to that effect is made or not, pronounce decree as libelled or of absolvitor (as the case may require), with expenses; or if all parties fail to appear, he shall, unless a sufficient reason appear to the contrary, dismiss the action.

Penalty on agent failing to return process borrowed.

21. Where an agent who has borrowed a process, or any part thereof, fails to return the same for any diet in the cause for which the process or the part thereof which may have been borrowed shall be required, it shall be the duty of the sheriff, whether a motion to that effect is made or not, to impose upon the agent so failing a fine of not less than one pound sterling, which fine shall be payable to the clerk of court for behoof of Her Majesty: Provided always, that it shall be competent for the sheriff who imposed the fine, on cause shown, to recall the order imposing the same, but such order shall not be subject to review.

Production of documents.

22. At or before the closing of the record each party to an action shall produce all documents specially mentioned in his pleading and which are in his hands. Any other documents, whether in his hands or not, may be produced by him during the proof, but without prejudice to the power of the sheriff to order their production at any stage of the cause.

It shall be lawful for the sheriff to order or allow a party at any time before judgment to produce any document which he failed to produce timeously, upon such terms as to payment of expenses and allowing farther proof to the other party as to the sheriff shall seem just.

Procedure after record closed.

23. The sheriff shall at the time of closing the record require the parties then to state whether they are ready to renounce further

probation; and if they are ready to do so the parties or their agents shall sign a minute to that effect on the interlocutor sheet; and the sheriff shall, in the interlocutor closing the record, pronounce a finding that further probation has been renounced, and shall appoint the action to be debated; but when probation is not renounced, the sheriff, when proof seems necessary, shall at the time of closing the record appoint a diet for proof on an early day, and shall hear the parties or their procurators immediately after such proof is led, unless one adjournment shall be allowed on cause shown for a period not exceeding seven days; and after such debate or hearing, as the case may be, the sheriff shall pronounce judgment with the least possible delay.

Amendment of records in defended actions.

24. The sheriff may at any time amend any error or defect in the record in any action, upon such terms as to expenses and otherwise as to the sheriff shall seem proper, and all such amendments as may be necessary for the purpose of determining in the action the real question in controversy between the parties shall be so made; but it shall not be competent by such amendment to subject to the adjudication of the sheriff any larger sum or estate, or any other fund or property, than that specified in the petition, except with the consent of all the parties interested: Provided always, that no such amendment shall have the effect of validating diligence used on the dependence of the action so as to prejudice the rights of creditors of the defender interested in defeating such diligence, but shall be operative to the effect of obviating any objections to such diligence when stated by the defender himself or by any person representing him, by a title, or in right of a debt contracted by him, subsequent to the execution of such diligence.

V.—*Special Actions; Multiplepoindings; Processes of Cessio.*

Procedure in multiplepoindings

25. In actions of multiplepoinding the following provisions shall have effect:

(1.) The party raising the action shall set forth in the petition who is the real raiser of the action:

(2.) The sheriff shall, at the first calling of the action, where no defences are stated, or, where defences are stated and repelled, at the first calling thereafter, pronounce an order for claims within a short space:

(3.) Any of the parties whose claims in the action depend upon the same grounds may state their claims in the same paper; and may, where their claims are opposed and yet they are

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agreed on the facts, make their averments in the form of a joint case, appending thereto their respective claims and pleas in law:

(4.) When the parties who shall appear and claim an interest in the fund in medio shall have lodged their claims, or had opportunity allowed them for doing so, the sheriff shall appoint the parties or their agents to meet him; and shall at such meeting allow each party to adjust his own part of the record, and to meet the averments of the other claimants so far as necessary; and the procedure at such meeting, and in the after progress of the action, shall be as nearly as may be the same as is herein-before provided with reference to ordinary actions after defences have been lodged.

Cessio bonorum.

26. From and after the passing of this Act the following provisions shall have effect with respect to processes of cessio bonorum:

(1.) All such actions shall be instituted in the sheriff court only:

(2.) A debtor being insolvent and under a charge to pay any civil debt on which charge imprisonment may follow; or against whom a decree for payment of civil debt, not requiring a charge, has been granted, on which imprisonment may follow; shall, being prepared to surrender his whole means and estate to his creditors, be entitled to raise an action in the sheriff court, praying for interim protection and for decree of cessio bonorum under the Act of the sixth and seventh years of the reign of King William the Fourth, chapter fifty-six, as amended by this Act, and the production of the said charge, or a certificate of the granting of such a decree as aforesaid, under the hands of the clerk of the court which granted the same, shall be a sufficient title on which to raise such action:

(3.) It shall be lawful for the sheriff—

(*a.*) At once to grant interim protection against imprisonment for civil debt to the applicant on his finding caution, for such amount as the sheriff may deem reasonable, for his appearance at all diets of the process:

(*b.*) When the applicant is in prison to grant warrant for his interim liberation, after forty-eight hours notice to the incarcerating creditor or his known agent of the motion for liberation, and on caution being found for such amount as the sheriff may deem reasonable for the applicant's appearance at all diets

of the process, and also binding the cautioner to present the applicant at the prison for re-incarceration should the cessio be refused or the interim warrant recalled:

(4.) Judgments or interlocutors pronounced in such actions shall be reviewed on appeal in the same form and subject to the like provisions, restrictions, and conditions as are by law provided in regard to appeals against any judgment or interlocutor pronounced in any other action in the sheriff's ordinary court; but warrants of interim protection or interim liberation shall become effectual when granted, and remain good till recalled:

(5.) Any notices or intimations required by law to be given to creditors shall be sufficiently given in the case of creditors furth of Scotland if given to their known agents or mandatories in Scotland.

VI.—*Appeals.*

What appeals competent before final judgment.

27. The following, and no other, appeals to the sheriff against judgments or interlocutors of the sheriff substitute shall be competent; that is to say, an appeal against a final judgment or an appeal against an interlocutor,—

(1.) Granting or refusing interdict, interim or final; or,

(2.) Granting interim decree for money, or making an order ad factum præstandum, or sisting an action; or,

(3.) Allowing, or refusing, or limiting the mode of proof; or,

(4.) Against which the sheriff substitute, either ex proprio motu or on the motion of a party, grants leave to appeal.

Note of appeal against judgment of the sheriff substitute.

28. An appeal to the sheriff may, when competent, be taken by a note of appeal written at the end or on the margin of the interlocutor sheet containing the judgment or interlocutor appealed from, within seven days after the date of such judgment or interlocutor, in the following or similar terms:

"The pursuer [*or* defender *or other party*] appeals to the sheriff:"

The note shall be signed by the appellant or his agent, and shall bear the date on which it is signed. If the interlocutor sheet is not in the hands of the sheriff clerk (which fact shall be certified by him) the note may be written, signed, and dated as aforesaid on a separate paper, prefixing merely the name of the cause and the date of the interlocutor appealed from, and having annexed a certificate by the sheriff clerk to the effect foresaid:

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On an appeal being so taken, the sheriff clerk shall forthwith transmit the process to the sheriff, whose duty it shall be to determine what shall be the procedure in the appeal; provided as follows:

(1.) The sheriff may fix a diet for hearing the parties orally on the appeal, and may hear them accordingly, or may order a reclaiming petition and answers to be lodged, and prescribe the times for lodging the same; but it shall not be competent for him in any case both to order a reclaiming petition and answers and an oral hearing:

(2.) If both parties concur in asking the sheriff to dispose of the appeal without either ordering a reclaiming petition and answers or an oral hearing, the sheriff may, if he think fit, dispose of the same accordingly:

(3.) It shall be competent for the sheriff, where the action is before him on appeal on any point, to open the record ex proprio motu, if the record shall appear to him not to have been properly made up, or to allow further proof.

Effect of appeal.

29. Such appeal shall be effectual to submit to the review of the sheriff the whole interlocutors and judgments pronounced in the cause, not only at the instance of the appellant, but also at the instance of every other party appearing in the appeal, to the effect of enabling the sheriff to do complete justice without hindrance from the terms of any interlocutor in the cause, and without the necessity of any counter appeal; and an appellant shall not be at liberty to withdraw or abandon an appeal without leave of the sheriff; and an appeal may be insisted in by any other party in the cause, other than the appellant, in the same manner and to the like effect as if it had been taken by himself.

How reclaiming petitions, &c. shall be drawn.

30. All reclaiming petitions and answers shall be drawn without quotation from the interlocutors, notes thereto, proof or process, except when such quotation is indispensable.

Power to regulate possession, &c. pending appeal.

31. A sheriff or sheriff substitute shall have power, notwithstanding an appeal, to regulate all matters relating to interim possession, to make any order for the preservation of any property to which the action relates, or for the sale of such property when perishable, or for the preservation of evidence, according to his discretion, having a just regard to the interests of the parties as they may be affected by the decision of the sheriff on the appeal.

An interim interdict, although appealed against, shall be binding till recalled.

An appeal shall not prevent the immediate execution of a warrant of sequestration for rent, or a warrant to take inventories, or place effects in custody ad interim, or other warrants of interim preservation.

When judgment, &c. may be extracted if no appeal.

32. Notwithstanding anything contained in section sixty-eight of the Court of Session Act, 1868, extract of any judgment, decree, interlocutor, or order pronounced in the ordinary sheriff court may be issued at any time on the expiration of fourteen days from the date thereof, unless the same shall, if competent, have been sooner appealed against, and no extract of any such judgment, decree, interlocutor, or order shall be issued before the expiration of fourteen days from the date thereof, unless the sheriff or sheriff substitute who pronounced the same shall allow the extract to be sooner issued.

Final judgments may be appealed within one month, if not sooner extracted or implemented.

33. Notwithstanding the provisions of this Act relating to appeals, an appeal to the sheriff may be competently taken against any final judgment pronounced by a sheriff substitute at any time within one month of its date, if the same shall not have been sooner extracted or implemented.

Correction of accidental errors in judgments.

34. At any time before the transmission of a process in which an appeal has been taken to the sheriff, the sheriff substitute may competently correct any merely clerical or accidental error in his judgment; and in like manner the sheriff may competently correct any such error in a judgment pronounced by him before extract thereof or appeal therefrom to the Court of Session.

VII.—*The Commissary Courts abolished.*

Commissary courts abolished, and powers transferred to sheriffs.

35. From and after the commencement of this Act the commissary courts in Scotland shall be and the same are hereby abolished, and the whole powers and jurisdictions of the commissary court in each commissariot shall be and the same are hereby transferred to the sheriff in office at the commencement of this Act as the commissary of such commissariot, who shall thereafter, and his successors in office as sheriff, possess and exercise the whole of the said powers and jurisdictions in all respects: Provided that it shall still be competent and proper to affix the seal of office of a commissariot to all documents to which it would have been competent and proper to affix the same before the commencement of this Act.

Office of commissary clerk in certain cases abolished.

36. In every case in which in any sheriffdom the offices of sheriff clerk and of commissary clerk shall at the commencement of this Act be united in the same person, who is remunerated by salary for discharging the duties of both offices, the office of com-

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missary clerk shall be as from the said date and the same is hereby abolished, and the whole powers and duties of the office of commissary clerk shall be as from the said date and the same are hereby transferred to the office of sheriff clerk, and the sheriff clerk shall thereafter, and his successors in office as sheriff clerk, possess and exercise the whole of the said powers and perform the whole of the said duties.

Vacancies in office of commissary clerk not to be supplied.

37. No vacancy existing at the commencement of this Act or which may thereafter occur in the office of a commissary clerk, except the office of the commissary clerk of Edinburgh, shall be supplied.

All commissary clerks, except in Edinburgh, to be abolished on vacancies occurring.

38. In every case of a vacancy occurring after the commencement of this Act in the office of commissary clerk in any commissariot in Scotland, except the commissariot of Edinburgh, such office shall be, as from the date of the occurrence of such vacancy, abolished, and the whole powers and duties of the office of commissary clerk shall be transferred to the office of the sheriff clerk of the county, and the sheriff clerk of the county shall thereafter, and his successors in office as sheriff clerk, possess and exercise the whole of the said powers and perform the whole of the said duties.

Commissary clerks continuing in office to perform the duties in the sheriff court.

39. From and after the commencement of this Act every commissary clerk whose office shall not be forthwith abolished under the provisions of this Act, shall perform in the sheriff court of the county all the duties and exercise all the powers heretofore performed and exercised by him in the commissary court; provided that such commissary clerk shall not be disabled from acting as a procurator in the sheriff court, except in causes in which he acts as clerk of court.

Provisions to have effect on the abolition of the office of commissary clerk.

40. On the office of commissary clerk being in any case abolished under the provisions herein-before contained, the following provisions shall have effect:

(1.) All records, books, documents, papers, and things belonging to the office of the commissary clerk or in the possession of any clerk or officer of that office as such, shall be forthwith transferred to the office or offices of the sheriff clerk of the county.

(2.) It shall be lawful for the Lords Commissioners of Her Majesty's Treasury to regulate the office of such sheriff clerk, and out of moneys to be voted by Parliament to award him such salary or personal remuneration, together with such allowances for clerks and office expenses, as shall seem just, having regard to the additional duties imposed

upon him, and to the increased expenses of his office consequent on the transfer thereto of the duties of the office of commissary clerk: A.D. 1876.

(3.) The sheriff clerk shall account for and pay to the Queen's and Lord Treasurer's Remembrancer on behalf of Her Majesty all fees received in his office in connexion with the new business by this Act transferred to his office.

VIII.—*Amendment of Law as to Confirmation of Executors.*

Note in confirmation by sheriff clerk or commissary clerk that deceased died domiciled in Scotland substituted for certified copy interlocutor by the sheriff commissary and to have like effect.

41. Where, under the provisions of the ninth and subsequent sections of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, intituled "An "Act to amend the law relating to the confirmation of executors "in Scotland, and to extend over all parts of the United Kingdom "the effect of such confirmation and of grants of probate and "administration," it shall be desired to include in the inventory of the personal estate of any person dying domiciled in Scotland personal estate situated in England or Ireland, it shall not be necessary to have a special proceeding before the sheriff with the view to his pronouncing therein an interlocutor finding that the deceased died domiciled in Scotland. That fact shall be set forth in the affidavit to the inventory, and it being so set forth therein shall be sufficient warrant for the sheriff clerk to insert in the confirmation or to note thereon and sign a statement that the deceased died domiciled in Scotland; and such statement shall have the same effect as a certified copy interlocutor finding that the deceased person died domiciled in Scotland; and sections twelve and thirteen of the said Act, so far as they make it a condition of the sealing of a confirmation in the principal Court of Probate in England or in the Court of Probate in Dublin, that the copy of the confirmation provided to be deposited with the registrar shall be accompanied by such a certified copy interlocutor, are hereby repealed.

Extension of the provisions of ss. 12. and 13. of 21 & 22 Vict. c. 56.

42. When an additional inventory has been given in and recorded and confirmation granted in a sheriff court in Scotland of estate situated in England or Ireland of a person who died domiciled in Scotland, and the additional confirmation shall be produced in the principal Court of Probate in England, or in the Court of Probate in Dublin, as the case may be, and a copy thereof deposited with the registrar of the court, such additional confirmation shall be sealed with the seal of the court and returned to the person producing the same, and that whether the original confirmation shall have been sealed with the seal of the court or not, and although the

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additional inventory confirmed shall not contain any estate of the deceased situated in Scotland, and such additional confirmation when so sealed shall thereafter have the same force and effect as if probate or letters of administration, as the case may be, had been granted by the court of probate in which it had been sealed.

Confirmation of Scotch estate with note of trust funds in England or Ireland to be sealed in Probate Courts as if it contained English or Irish estate of the deceased.

43. When any confirmation or additional confirmation of personal estate situated in Scotland, which shall contain or have appended thereto and signed by the sheriff clerk a note or statement of funds in England or Ireland, or both, held by the deceased in trust, shall be produced in the principal Court of Probate in England or in the Court of Probate in Dublin, as the case may be, such confirmation shall be sealed with the seal of such court in the same manner as is provided by sections twelve and thirteen of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, as amended by this Act, with respect to sealing confirmations which include personal estate situated in England or Ireland respectively; and such confirmation shall thereafter have the like force and effect in England and Ireland with respect to such funds as if probate or letters of administration, as the case may be, had been granted by the Court of Probate in which it had been sealed; and such note or statement may be inserted or appended as aforesaid by the sheriff clerk, provided the same shall have been set forth in any inventory which has been recorded in the books of the court of which he is clerk.

Schedule C. of 21 & 22 Vict. c. 56. hereby repealed, and new form of intimation, &c.

44. The sheriff clerk shall, after a petition for the appointment of an executor has been intimated by him as provided by section four of the Act passed in the twenty-first and twenty-second years of the reign of Her present Majesty, chapter fifty-six, and after receiving the certified copy of the printed and published particulars therein set forth, forthwith certify these facts on the petition in the following or similar terms: "Intimated and published in terms of the statute," which certificate (in lieu of the certificate in the form of Schedule C. annexed to the said Act, which Schedule C. is hereby repealed,) shall be dated and signed by him, and shall be sufficient evidence of the facts therein set forth: Provided always, that special intimation shall be made to all executors already decerned or confirmed to a deceased person of any subsequent petition for the appointment of an executor which may be presented with reference to the personal estate of the same deceased person.

A calendar of confirmations and inven-

45. It shall be the duty of the commissary clerk of Edinburgh on or before the thirty-first day of December one thousand eight

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Inventories to be published annually.

hundred and seventy-seven, and on or before the thirty-first day of December in every year thereafter, to prepare and issue a printed calendar containing a list or register, alphabetically arranged, of all confirmations granted, and of all inventories given in, in cases in which from any cause confirmation shall not have been required in Scotland, in the year ending on the thirty-first day of December immediately preceding, specifying in each case the name and designation, and the place and date of death of the person deceased; whether he died testate or intestate; the names and designations of his executors; date of confirmation or recording of inventory; the date of the will or deed, if any; and where and of what date the same was registered; and the value of the estate: Provided as follows:

(1.) It shall be the duty of every sheriff clerk to furnish to the commissary clerk of Edinburgh on or before the fifteenth day of February one thousand eight hundred and seventy-seven such a list or register of confirmations granted, and inventories given in, within the sheriffdom of which he is such clerk (with all the particulars above specified) in the year ending on the thirty-first day of December immediately preceding; and thereafter quarterly, on or before the first days of February, May, August, and November in each year, to furnish to the commissary clerk of Edinburgh such a list or register, with such particulars as aforesaid, of all confirmations and inventories granted, or given in, within such sheriffdom in the quarters ending on the thirty-first day of December, the thirty-first day of March, the thirtieth day of June, and the thirtieth day of September immediately preceding respectively:

(2.) A copy of every such calendar issued shall be sent by the commissary clerk of Edinburgh to every sheriff clerk in Scotland, who shall keep the same in his office open for the inspection of the public on payment of such fee as may be fixed by act of sederunt, which the Court of Session are hereby authorised and required to pass:

(3.) A copy of every issue of such calendar shall also be sent to the Lord Clerk Register and to the registrars in the Probate Courts of London and Dublin:

(4.) The cost of preparing and printing and issuing such calendar and of furnishing copies thereof to the persons to whom they are herein directed to be sent shall be defrayed out of moneys to be voted by Parliament.

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IX.—*Miscellaneous Provisions.*

A person shall, in certain cases, be subject to the jurisdiction of the sheriff within whose territory he has a place of business, though domiciled in another county.

46. A person carrying on a trade or business, and having a place of business within a county, shall be subject to the jurisdiction of the sheriff thereof in any action, notwithstanding that he has his domicile in another county, provided he shall be cited to appear in such action either personally or at his place of business; it shall however be in the power of the sheriff aforesaid, upon sufficient cause shown, to remit any such action to the court of the defenders' domicile in another sheriffdom.

Actions of forthcoming and multiplepoinding to be competent before the sheriff to whose jurisdiction the arrestee or the holder of the fund is amenable.

47. Any person entitled to raise an action of forthcoming or of multiplepoinding may competently raise the same in any sheriff court to whose jurisdiction the arrestee or the holder of the fund or subject in medio, as the case may be, is subject, although the common debtor may not reside within such jurisdiction; and the warrant of citation issuing from such court may be competently executed as herein-before provided against the common debtor or other defender in any such action; provided that the citation shall require the person cited to appear at a sheriff court of the county in which the action is brought, by lodging a notice of appearance, or defence, or claim, in the hands of the clerk of court within seven days, or fourteen days, as the case may be, after the date of citation.

Repeal of section 15 of Act 16 & 17 Vict. c. 80.

48. Section fifteen of the Act passed in the sixteenth and seventeenth years of the reign of Her present Majesty, chapter eighty, is hereby repealed.

Actions falling asleep may be wakened of consent, and after certain procedure.

49. Any action in a sheriff court in which no interlocutor shall have been pronounced during the period of year and day shall be held to have fallen asleep; but the following provisions shall have effect in regard to the wakening thereof:

(1.) Where any cause shall have fallen asleep as aforesaid, it shall be competent to the sheriff to pronounce an interlocutor wakening the cause on the agents for the whole parties subscribing a minute on the interlocutor sheet to the following or the like effect, "We the agents for the parties consent to the cause being wakened and proceeded with;" and on such interlocutor being pronounced, the cause may thereafter be proceeded with as wakened accordingly:

(2.) Where any cause shall have fallen asleep as aforesaid, and where any of the parties desires to have it wakened and proceeded with, it shall be competent for such party to enrol the cause and to lodge a minute craving a wakening of the cause; and the sheriff may thereupon direct intimation of

such minute to be made to the known agents of the other parties in the cause or to such parties themselves; and shall direct intimation to be made on the walls of the court in such manner as shall seem fit for seven days; and where said parties have no known agents or are themselves furth of Scotland, the sheriff shall also appoint edictal intimation thereof to be made by publication in the record of edictal citations; and on the expiration of seven days from the date of such intimation or from the latest date thereof and on a certificate being lodged in process under the hand of the agent applying for the wakening, certifying that he has duly intimated the minute in terms of the sheriff's interlocutor, the sheriff may pronounce an interlocutor holding the cause as wakened, and the same may thereafter be proceeded with as wakened accordingly.

The provisions of this section shall not apply to any action which at the commencement of this Act stood dismissed in consequence of six months having elapsed without any proceeding having been taken therein, but may be applied to any action where a less period than six months had at the commencement of this Act elapsed without any proceeding having been taken therein.

Sheriff may sign judgment when furth of his county.

50. It shall be lawful for any sheriff to pronounce and sign any interlocutor, judgment, or decree when furth of his sheriffdom: and every such interlocutor, judgment, or decree shall have all the like force and effect as if pronounced and signed by the sheriff while within the limits of his sheriffdom, but shall bear date at the seat of the court as of the day on which it is received there by the sheriff clerk, and entered by him in the books of court.

Provision for the case of a sheriff being disabled or necessarily absent.

51. It shall be lawful for one of Her Majesty's Principal Secretaries of State on an application made by or on behalf of any sheriff for leave of absence on account of temporary illness or other reasonable cause, to grant such leave of absence for such period as he shall deem proper, and to appoint some other person, who shall be a sheriff of some other sheriffdom, or shall be an advocate of not less than five years standing, to act as interim sheriff in the place and during the absence of such sheriff; and, on any such interim appointment being made, to fix what proportion of the salary of the sheriff shall be paid to the interim sheriff, and to certify the same in writing; and such certificate shall, when presented in Exchequer to the Queen's and Lord Treasurer's Remembrancer, be a sufficient warrant to him for payment to such interim sheriff of the proportion of the sheriff's salary therein mentioned.

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In this section the word "sheriff" does not include sheriff substitute.

Any interim sheriff appointed under this section shall have and exercise all the powers and privileges, and perform all the duties of the sheriff, and his acts, orders, and judgments shall have the same force and effect as if done, made, or pronounced by the sheriff.

A sheriff appointed to be interim sheriff under this section shall not, by accepting such interim appointment, vacate his office as sheriff.

Mode of disposing of summary applications where no procedure provided by statute.

52. In every case of an application, whether by appeal or petition, made to the sheriff under any Act of Parliament which provides, or according to any practice in the sheriff court which allows, that the same shall be disposed of in a summary manner in the sheriff court without record of the defence or evidence, and without the judgment being subject to review, but which does not more particularly provide in what form the same shall be heard, tried, and determined, the application may be by petition in one of the forms as nearly as may be contained in Schedule A. annexed to this Act, and the sheriff shall appoint the application to be served and the parties to be heard at a diet to be fixed by him, and shall at that diet, or at an adjourned diet, summarily dispose of the matter after proof led when necessary, and hearing parties or their procurators thereon, and shall give his judgment in writing.

Additions to salaries of sheriffs of united counties to be paid out of Consolidated Fund.

53. Notwithstanding anything contained in section eleven of the Act of the thirty-third and thirty-fourth years of the reign of Her present Majesty, chapter eighty-six, any additions made in terms of the recited section to the salaries of the sheriffs of united counties shall, instead of being paid out of moneys to be provided by Parliament for that purpose, be paid in the manner provided by the Act passed in the seventeenth and eighteenth years of the reign of Her present Majesty, chapter ninety-four, Schedule A.

Court to make acts of sederunt.

54. The Court of Session may from time to time make such regulations by act of sederunt as shall be necessary for carrying into effect the purposes of this Act; and for regulating the forms of petitions, and modes of procedure and of pleadings; and generally the practice of the sheriff courts in respect of the matters to which the Act relates; and for regulating the fees of court, with the concurrence of the Commissioners of the Treasury, and also for regulating the fees of the agents practising before the said courts, and of shorthand writers appointed to take down proofs, and, so far as may be found expedient, for altering the course of proceeding herein-before prescribed in respect to the matters to which this Act relates, or any of them, and for regulating the place

or places at which in each county the business heretofore conducted in the commissary court thereof shall be hereafter conducted in the sheriff court thereof, and the place or places and manner in which the records, books, documents, papers, and things connected therewith should be hereafter kept; and may also repeal or alter the provisions of any act of sederunt relating to any of the matters hereinbefore specified as may be inconsistent with such new regulations; and for that purpose the Court of Session may meet during vacation as well as during session; and in preparing such act of sederunt the court may take the assistance of any six sheriffs and sheriffs-substitute whom they may select: Provided that every such act of sederunt shall, within one month after the date thereof, be transmitted by the Lord President of the Court of Session to one of Her Majesty's Principal Secretaries of State in order that it may be laid before both Houses of Parliament; and if either of the Houses of Parliament shall, by any resolution passed within thirty-six days after such act of sederunt has been laid before such House of Parliament, resolve that the whole or any part of such act of sederunt ought not to continue in force, in such case the whole or such part thereof as shall be so included in such resolution shall from and after such resolution cease to be binding.

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SCHEDULES.

SCHEDULE (A.)

IN THE SHERIFF COURT OF SHIRE AT

A. B. (*design him*), Pursuer,

against

C. D. (*design him*), Defender.

[NOTE.—Where any party sues, or is sued, in any special character,—as trustee, or inspector, or otherwise,—state what it is.]

The above-named pursuer submits to the court the condescendence and note of pleas in law hereto annexed, and prays the court—

a. To grant a decree against the above-named defender, ordaining him to pay to the pursuer the sum of sterling.

b. Or, To sequestrate, &c., and grant warrant to sell (*specify rent, due and current, and the subjects in respect of which such rent is payable*), and to find the pursuer entitled to expenses, and grant warrant of sale therefor.

c. Or, To ordain the defender—

(1.) To deliver to the pursuer, &c. &c.

(2.) *Or,* Forthwith to repair, &c. &c., and failing his doing so within days, to authorise such repairs to be made at the sight of a person to be appointed, and to ordain the defender to pay the expenses thereby incurred.

d. Or, To grant warrant to sell, &c. &c.

e. Or, To interdict the defender from, &c. &c. and to grant interim interdict.

f. Or, To ordain the said *C. D.*, defender, to pay to the pursuer *l.* arrested by him in *C. D.*'s hands as due to *E.*, in satisfaction of the sums due by *E.* to the pursuer, conform to, &c. &c.

g. Or, To ordain the defender to produce a full account of his intromissions as (*here state the character in which the defender is accountable, as factor or otherwise*), and to pay to the pursuer the sum of *l.*, or such other sum as may appear to be the true balance due by him; and failing his producing such account, to ordain the defender to pay

h. Or, To find that he is holder of *l.* (*or state the nature of the fund or subject in medio*), which is claimed by the defenders, and that he is only liable in once and single payment (*or* delivery) thereof, and is entitled, on payment (*or* delivery, *or* consignation), to be exonered thereof, and to obtain payment of his expenses; and that decree should issue in favour of the party or parties who shall be found to have best right to the fund (*or subject*) in medio. The real raiser hereof is

CONDESCENDENCE.

[*State articulately the facts which form the grounds of action.*]

Note of PLEAS IN LAW.

[*State them articulately.*]

WARRANT.

(*Place and date.*) The sheriff of the county of grants warrant [*to cite the defender, in the manner and upon the induciæ, as the case may be*] and ordains the defender, if he intends to show cause why the prayer of the petition should not be granted, to lodge in the hands of the clerk of court at a notice of appearance within the induciæ of citation hereon, under certification of being held as confessed, and grants warrant [*to arrest on the dependence*], [*meantime grants interim interdict as craved*], [*meantime sequestrates and grants warrant to officers of court to inventory and secure as craved*], [*or as the case may be*].

NOTE.—In all these writs, where interest and expenses, or either, are sought, they must be prayed for.

Every writ shall be signed by the pursuer or his law agent, who shall add his address.

The warrant may be signed by the sheriff clerk, unless interim interdict, sequestration, or other order not being an order for citation or warrant to arrest, is contained in the warrant, in which case the warrant shall be signed by the sheriff or sheriff substitute; and a mere warrant of citation or arrestment may competently be signed by the sheriff or sheriff substitute.

SCHEDULE (B.)

IN THE SHERIFF COURT OF SHIRE AT

NOTICE OF APPEARANCE.

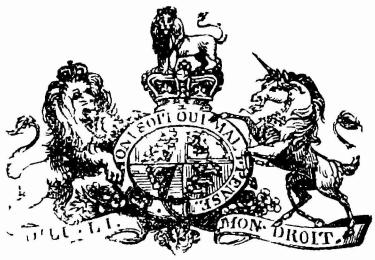
In the action *A.B.* [*design him*] against *C.D.* [*design him*].

C.D., defender, enters appearance to defend said action.

C.D., defender.

[*Or*] *E.*, agent for defender.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.



CHAPTER 71.

An Act to amend the Laws relating to the Jurisdiction of Chairmen of Quarter Sessions in Ireland. A.D. 1876.

[15th August 1876.]

WHEREAS under the provisions of an Act passed in the session of Parliament held in the fourteenth and fifteenth years of the reign of Her present Majesty, chapter fifty-seven, and of the Acts amending the same, (in this Act referred to as "the principal Acts,") the Lord Lieutenant of Ireland is empowered to nominate and appoint to the office of chairman of the quarter sessions of each and every county and riding of a county in Ireland a barrister having the qualification by the principal Acts prescribed: 14 & 15 Vict. c. 57.

And whereas it is expedient to enable the Lord Lieutenant whenever a vacancy shall occur in the office of chairman of the quarter sessions of any county, in case he shall so think fit, to appoint a person holding the office of chairman of quarter sessions of another county to fill such vacancy, and to exercise the jurisdiction of chairman of quarter sessions in both such counties:

And whereas it is expedient to make provisions such as are in this Act contained with respect to the exercise of such jurisdiction as aforesaid, and generally with respect to the exercise of jurisdiction at quarter sessions in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Chairmen of Quarter Sessions (Ireland) Jurisdiction Act, 1876." Short title.

2. Whenever before the thirty-first day of December one thousand eight hundred and seventy-seven a vacancy shall occur in the office of chairman of the quarter sessions of a county, which county On vacancy of chairmanship Lord Lieutenant

A.D. 1876.

may appoint person holding office as chairman of another county to fill vacancy.

is in this Act referred to as the "vacant county," the Lord Lieutenant may, in case he shall so think fit, appoint the chairman of some other county, who shall have been appointed since the first day of January one thousand eight hundred and seventy-four, or who shall consent thereto, to fill such vacancy; and thereupon such chairman shall have all the authority and power, and exercise in such vacant county all the jurisdiction conferred by any Act of Parliament upon the chairman thereof, and hold the office in the same manner as he holds the office in the county of which he is chairman.

The Lord Lieutenant may, if he shall think fit, with the consent of the Commissioners of Her Majesty's Treasury, fix an additional salary to be paid to such chairman in respect of his increased duties, and thereupon the same shall be payable to him, while he shall discharge such additional duties, in addition to his previous salary, out of moneys to be provided by Parliament for such purposes, notwithstanding any limitation of amount of salary by any Act of Parliament prescribed.

On any such appointment, Lord Lieutenant may fix times for holding sessions.

3. When any such appointment to the office of chairman of the quarter sessions of any vacant county shall have been made under the provisions of this Act, it shall be lawful for the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, notwithstanding anything contained in the principal Acts or any previous appointment in that behalf, thereupon and from time to time by order to appoint the times and places at which, and the districts or divisions for which, the general or quarter sessions of the peace and civil bill court or civil bill court only shall be held in and for the said respective counties.

Every such order shall be published in the Dublin Gazette, and shall thereupon become and be as valid and effectual for all purposes as if the same were enacted in this Act; but any such order may be rescinded or varied by any subsequent order made and published in like manner.

Power to Lord Lieutenant in Council to order business to be conducted at any town irrespective of divisions of counties.

4. It shall be lawful for the Lord Lieutenant, by and with the advice and consent of the Privy Council in Ireland, from time to time to order and direct that the whole of the civil or criminal or other business usually transacted at general or quarter sessions of the peace, or at civil bill or land sessions, including licensing business and the business of appeals from petty sessions, or any part or parts of such businesses respectively, may be conducted at any town or towns in any county, either having regard to or irrespective of the divisions for the time being existing in such county, and notwithstanding any enactments requiring any business to be done in any particular division or place, and also from time to time

to order and direct that any division may for the purposes of any specified business be merged in and form part of any other division, or be merged in the county at large whilst existing or continuing to exist for all other purposes as a separate division.

Any order under this section shall, after publication in the Dublin Gazette, have the like force and effect as if it had been enacted in this Act.

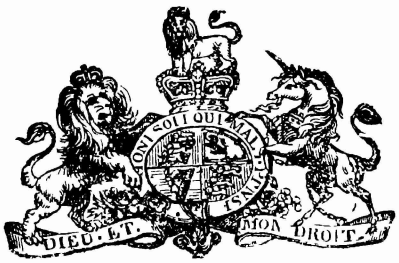
Power to vary classification.

5. Whereas the counties in Ireland are under the provisions of the principal Acts divided into classes for the purpose of regulating the salaries payable to the several chairmen of such counties, and it is expedient to authorise the alteration of such classification in certain cases: Therefore, the Lord Lieutenant, by and with the advice of Her Majesty's Privy Council in Ireland, and with the concurrence of the Lord Chancellor of Ireland, and of the Commissioners of Her Majesty's Treasury, may from time to time by order declare that the name of any county shall no longer continue in the class in which by the principal Acts it is now placed for the purposes aforesaid, and may by such order declare that the name of such county shall for such purposes be deemed to be in any other class specified for such purpose in the principal Acts; and thereupon such county shall for such purposes be and continue to be one of the counties of the class mentioned in such order: Provided always, that except upon a vacancy in the office of chairman, no county shall be placed in a class lower than that in which it is at the time of the passing of this Act.

This Act and the principal Acts to be read as one Act.

6. This Act and the principal Acts, as amended by this Act, shall be read and construed as one Act.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.



CHAPTER 72.

An Act to suspend for a limited period the holding of an Election of a Member or Members to serve in Parliament for the City of Norwich, and to disfranchise certain voters for the said City, and also certain voters for the Borough of Boston. [15th August 1876.]

A.D. 1876.

WHEREAS Commissioners appointed under a commission of Her Majesty, dated the twelfth day of July one thousand eight hundred and seventy-five, for the purpose of making inquiry into the existence of corrupt practices at the election of a member to serve in Parliament for the city of Norwich held in the month of March one thousand eight hundred and seventy-five (in this Act called the Norwich Commissioners), reported to Her Majesty amongst other matters—

That corrupt practices extensively prevailed in Norwich at the said election;

That the several persons named in the schedule marked I. and annexed to their said report were guilty of bribery at the said election;

That the several persons named in the schedule marked II. and annexed to their said report were bribed at the said election;

That the person named in the schedule marked III. and annexed to their said report was guilty of the offence of personation within the meaning of section twenty-four of the Ballot Act, 1872; and

That the several persons named in the schedule marked IV. and annexed to their said report were guilty of procuring the commission of the offence of personation within the meaning of section twenty-four of the Ballot Act, 1872:

A.D. 1876.

And whereas Commissioners appointed under a commission of Her Majesty, dated the eleventh day of May one thousand eight hundred and seventy-five, for the purpose of making inquiry into the existence of corrupt practices at the election of members to serve in Parliament held for the borough of Boston in the month of February one thousand eight hundred and seventy-four (in this Act called the Boston Commissioners), reported to Her Majesty amongst other matters that the persons whose names are set forth in schedule A. annexed to their said report were guilty of bribery at the said election; and that the person named in schedule B. annexed to their said report was guilty of corruptly influencing voters by treating at that election:

And whereas it is expedient to make the provision herein-after mentioned with respect to the city of Norwich, and the persons named in the schedules to the said reports:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Suspension of writ for Norwich.

1. An election of a member or members to serve in Parliament for the city of Norwich shall not be held until after the end of this present Parliament.

Disfranchisement of certain voters for the city of Norwich and borough of Boston.

2. The persons following, namely,—

(1.) Those named in the schedules marked I. and II. and annexed to the said report of the Norwich Commissioners as having been guilty of bribery, or as having been bribed at the said election held in the month of March one thousand eight hundred and seventy-five; and

(2.) Those named in the schedules marked III. and IV. and annexed to the same report as having been guilty of personation or of procuring personation; and

(3.) Those named in the schedules marked A. and B. and annexed to the said report of the Boston Commissioners,

shall be incapable during the period of seven years next after the passing of this Act of being registered as voters and voting at any election of a member or members of Parliament.

Evidence of reports.

3. Any copy of the said reports made by the Norwich Commissioners and by the Boston Commissioners respectively, with the schedules thereunto annexed, purporting to be printed by Her

Majesty's printers, shall be deemed to be sufficient evidence of the said reports and schedules. A.D. 1876.

4. This Act may be cited as the Norwich and Boston Corrupt Voters Act, 1876. Short title.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTITWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 73.

An Act to amend the Pensions Commutation Act, 1871. A.D. 1876.

[15th August 1876.]

WHEREAS by section ten of the Pensions Commutation Act, 1871, it is provided, that if any pension holder whose pension has been commuted in pursuance of that Act accepts any public employment, such deduction on account of his commuted pension as is therein mentioned shall be made from the salary or pension payable in respect of such employment: 34 & 35 Vict. c. 36.

And whereas it is expedient to exempt from the provisions of that section an officer in the army on half pay who retires in the manner herein-after mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as the "Pensions Commutation Act, 1876." This Act and the "Pensions Commutation Act, 1871," may be cited together as the "Pensions Commutation Acts, 1871 and 1876." Short title.

2. Where an officer being on half pay has either before or after the passing of this Act been permitted to retire from the army by commutation of his half pay, and received under section three of the Regulation of the Forces Act, 1871, the sum which, in addition to the said commutation, amounted to the regulation price of the saleable commission held by him, and such officer has either before or after the passing of this Act accepted any public employment, no deduction on account of the half pay so commuted shall be made under section ten of the Pensions Commutation Act, 1871, from the salary payable, or any pension granted to him in respect of such employment. Exemption of certain half-pay officers of army from 34 & 35 Vict. c. 36. s. 10.

3. An officer or clerk of any telegraph company (the undertaking of which has been purchased by the Postmaster-General) who is Application of 35 & 36 Vict. c. 83.

to officers of telegraph companies receiving annuities, to cease after 31 Dec. 1876.

entitled to receive an annuity during his life from the Postmaster-General, by way of compensation for the loss of his office, shall not be entitled to commute that annuity in pursuance of the Pensions Commutation Act, 1872, unless his application for commutation is forwarded to the Postmaster-General before the first day of January one thousand eight hundred and seventy-seven.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 74.

An Act for amending so much of the Agricultural Holdings (England) Act, 1875, as relates to the Governors of the Bounty of Queen Anne for the Augmentation of the Maintenance of the Poor Clergy. [15th August 1876.]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as "The Agricultural Holdings (England) Act (1875) Amendment Act, 1876."

Short title.

2. The part of an Act described in the schedule to this Act is hereby repealed; but this repeal shall not affect anything done, or any right or liability accrued, under the repealed enactment, before the passing of this Act.

Repeal of enactments in schedule.

3. Section forty-nine of The Agricultural Holdings (England) Act, 1875, shall be read and have effect as if there had been inserted therein after the word "writing" the following words, "of the "patron of the benefice (that is, the person, officer, or authority "who, in case the benefice were vacant, would be entitled to present "thereto), or."

Approval of improvements by patron of benefice.

A.D. 1876.

SCHEDULE.

PART OF ACT REPEALED.

38 & 39 Vict. c. 92.	The Agricultural Holdings (England) Act, 1875 - - in part; namely,— The last paragraph of Section Forty-nine; (that is to say,) The Governors of Queen Anne's Bounty, before granting their approval in any case under this section, shall give notice of the application for their approval to the patron of the benefice (that is, the person, officer, or authority who, in case the benefice were then vacant, would be entitled to present thereto).

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Pollution of Rivers.

[39 & 40 Vict. Ch. 75.]

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short title of Act. A.D. 1876.

PART I.

Law as to Solid Matters.

2. Prohibition as to putting solid matters into streams.

PART II.

Law as to Sewage Pollutions.

3. Prohibition as to drainage into streams of sewers.

PART III.

Law as to Manufacturing and Mining Pollutions.

4. Prohibition as to drainage into streams from manufactories.
5. Prohibition as to drainage into stream from mines.
6. Restriction on proceedings under this part of the Act.

PART IV.

Administration of Law.

7. Sanitary authority to afford facilities for factories draining into sewers.
8. Power of sanitary authority to enforce Act.
9. Power of Lee Conservancy Board to enforce Act.

Legal Proceedings. Saving Clauses. Definitions.

(1.) *Legal Proceedings.*

10. Offences to be restrained by summary order of county court.
11. Appeal from county court, and removal of case into High Court of Justice.

Clauses.

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12. Certificate of inspector of Local Government Board as to best practicable means.
13. Restriction on proceedings for offences.
14. Orders as to costs of inquiries.
15. Power of inspectors of Local Government Board.

(2.) *Saving Clauses.*

16. Powers of Act cumulative.
17. Saving of rights of impounding and diverting water.
18. Saving of certain Conservancy Acts.
19. Saving of works of certain local authorities.

(3.) *Definitions.*

20. Definitions.

PART V.

APPLICATION OF THE ACT TO SCOTLAND.

21. Modifications of Act in Scotland.

PART VI.

22. Application of this Act to Ireland.

CHAPTER 75.

An Act for making further Provision for the Prevention of the Pollution of Rivers. [15th August 1876.] A.D. 1876.

WHEREAS it is expedient to make further provision for the prevention of the pollution of rivers, and in particular to prevent the establishment of new sources of pollution:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as the Rivers Pollution Prevention Act, 1876. Short title of Act.

PART I.

LAW AS TO SOLID MATTERS.

2. Every person who puts or causes to be put or to fall or knowingly permits to be put or to fall or to be carried into any stream, so as either singly or in combination with other similar acts of the same or any other person to interfere with its due flow, or to pollute its waters, the solid refuse of any manufactory, manufacturing process or quarry, or any rubbish or cinders, or any other waste or any putrid solid matter, shall be deemed to have committed an offence against this Act. Prohibition as to putting solid matters into streams.

In proving interference with the due flow of any stream, or in proving the pollution of any stream, evidence may be given of repeated acts which together cause such interference or pollution, although each act taken by itself may not be sufficient for that purpose.

A.D. 1876.

PART II.

Law as to Sewage Pollutions.

Prohibition as to drainage into streams of sewers.

3. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid or liquid sewage matter, shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act.

Where any sewage matter falls or flows or is carried into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act for the purpose of conveying such sewage matter, the person causing or knowingly permitting the sewage matter so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and available means to render harmless the sewage matter so falling or flowing or carried into the stream.

Where the Local Government Board are satisfied after local inquiry that further time ought to be granted to any sanitary authority, which at the date of the passing of this Act is discharging sewage matter into any stream, or permitting it to be so discharged, by any such channel as aforesaid, for the purpose of enabling such authority to adopt the best practicable and available means for rendering harmless such sewage matter, the Local Government Board may by order declare that this section shall not, so far as regards the discharge of sewage matter by such channel be in operation until the expiration of a period to be limited in the order.

Any order made under this section may be from time to time renewed by the Local Government Board, subject to such conditions, if any, as they may see fit.

A person other than a sanitary authority shall not be guilty of an offence under this section in respect of the passing of sewage matter into a stream along a drain communicating with any sewer belonging to or under the control of any sanitary authority, provided he has the sanction of the sanitary authority for so doing.

PART III.

Law as to Manufacturing and Mining Pollutions.

Prohibition as to drainage into streams from manufactories.

4. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any poisonous, noxious, or polluting liquid proceeding from any factory or manu-

facturing process shall (subject as in this Act mentioned) be deemed to have committed an offence against this Act. A.D. 1876.

Where any such poisonous, noxious, or polluting liquid as aforesaid falls or flows or is carried into any stream along a channel used, constructed, or in process of construction at the date of the passing of this Act, or any new channel constructed in substitution thereof, and having its outfall at the same spot, for the purpose of conveying such liquid, the person causing or knowingly permitting the poisonous, noxious, or polluting liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this Act if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting liquid so falling or flowing or carried into the stream.

Prohibition as to drainage into stream from mines.

5. Every person who causes to fall or flow or knowingly permits to fall or flow or to be carried into any stream any solid matter from any mine in such quantities as to prejudicially interfere with its due flow, or any poisonous, noxious, or polluting solid or liquid matter proceeding from any mine, other than water in the same condition as that in which it has been drained or raised from such mine, shall be deemed to have committed an offence against this Act, unless in the case of poisonous, noxious, or polluting matter he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous, noxious, or polluting matter so falling or flowing or carried into the stream.

Restriction on proceedings under this part of the Act

6. Unless and until Parliament otherwise provides the following enactments shall take effect, proceedings shall not be taken against any person under this part of this Act save by a sanitary authority, nor shall any such proceedings be taken without the consent of the Local Government Board: Provided always, that if the sanitary authority, on the application of any person interested alleging an offence to have been committed, shall refuse to take proceedings or apply for the consent by this section provided, the person so interested may apply to the Local Government Board, and if that Board on inquiry is of opinion that the sanitary authority should take proceedings, they may direct the sanitary authority accordingly, who shall thereupon commence proceedings.

The said Board in giving or withholding their consent shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality.

The said Board shall not give their consent to proceedings by the sanitary authority of any district which is the seat of any manu-

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facturing industry, unless they are satisfied, after due inquiry, that means for rendering harmless the poisonous, noxious, or polluting liquids proceeding from the processes of such manufactures are reasonably practicable and available under all the circumstances of the case, and that no material injury will be inflicted by such proceedings on the interests of such industry.

Any person within such district as aforesaid, against whom proceedings are proposed to be taken under this part of this Act, shall, notwithstanding any consent of the Local Government Board, be at liberty to object before the sanitary authority to such proceedings being taken, and such authority shall, if required in writing by such person, afford him an opportunity of being heard against such proceedings being taken, so far as the same relate to his works or manufacturing processes. The sanitary authority shall thereupon allow such person to be heard by himself, agents, and witnesses, and after inquiry such authority shall determine, having regard to all the considerations to which the Local Government Board are by this section directed to have regard, whether such proceedings as aforesaid shall or shall not be taken; and where any such sanitary authority has taken proceedings under this Act, it shall not be competent to other sanitary authorities to take proceedings under this Act till the party against whom such proceedings are intended shall have failed in reasonable time to carry out the order of any competent court under this Act.

PART IV.

ADMINISTRATION OF LAW.

Sanitary authority to afford facilities for factories draining into sewers.

7. Every sanitary or other local authority having sewers under their control shall give facilities for enabling manufacturers within their district to carry the liquids proceeding from their factories or manufacturing processes into such sewers:

Provided that this section shall not extend to compel any sanitary or other local authority to admit into their sewers any liquid which would prejudicially affect such sewers or the disposal by sale, application to land, or otherwise, of the sewage matter conveyed along such sewers, or which would from its temperature or otherwise be injurious in a sanitary point of view:

Provided also, that no sanitary authority shall be required to give such facilities as aforesaid where the sewers of such authority are only sufficient for the requirements of their district, nor where such facilities would interfere with any order of any court of competent jurisdiction respecting the sewage of such authority.

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Power of sanitary authority to enforce Act.

8. Every sanitary authority shall, subject to the restrictions in this Act contained, have power to enforce the provisions of this Act in relation to any stream being within or passing through or by any part of their district, and for that purpose to institute proceedings in respect of any offence against this Act which causes interference with the due flow within their district of any such stream, or the pollution within their district of any such stream, against any other sanitary authority or person, whether such offence is committed within or without the district of the first-named sanitary authority.

Any expenses incurred by a sanitary authority in the execution of this Act shall be payable as if they were expenses properly incurred by that authority in the execution of the Public Health Act, 1875.

Proceedings may also, subject to the restrictions in this Act contained, be instituted in respect of any offence against this Act by any person aggrieved by the commission of such offence.

Power of Lee Conservancy Board to enforce Act.

9. The Conservancy Board constituted under the Lee Conservancy Act, 1868, shall, within the area of their jurisdiction, have, to the exclusion of any other authority, the powers for enforcing the provisions of this Act which sanitary authorities have under this Act.

The said Conservancy Board may also enforce the provisions of the Lee Conservancy Act, 1868, under the head or division "Protection of Water," by application to the county court having jurisdiction in the place in which any offence is committed against those provisions, and such court may by summary order require any person to abstain from the commission of any such offence, and the provisions of this Act with respect to summary orders of county courts and appeal therefrom shall apply accordingly.

LEGAL PROCEEDINGS. SAVING CLAUSES. DEFINITIONS.

(1.) *Legal Proceedings.*

Offences to be restrained by summary order of county court.

10. The county court having jurisdiction in the place where any offence against this Act is committed may by summary order require any person to abstain from the commission of such offence, and where such offence consists in default to perform a duty under this Act may require him to perform such duty in manner in the said order specified; the court may insert in any order such conditions as to time or mode of action as it may think just, and may suspend or rescind any order on such undertaking being given or condition being performed as it may think just, and generally may give such directions for carrying into effect any order as to the

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court seems meet. Previous to granting such order the court may, if it think fit, remit to skilled parties to report on the "best practicable and available means" and the nature and cost of the works and apparatus required, who shall in all cases take into consideration the reasonableness of the expense involved in their report.

Any person making default in complying with any requirement of an order of a county court made in pursuance of this section shall pay to the person complaining, or such other person as the court may direct, such sum, not exceeding fifty pounds a day for every day during which he is in default, as the court may order; and such penalty shall be enforced in the same manner as any debt adjudged to be due by the court; moreover, if any person so in default persists in disobeying any requirement of any such order for a period of not less than a month or such other period less than a month as may be prescribed by such order, the court may in addition to any penalty it may impose appoint any person or persons to carry into effect such order, and all expenses incurred by any such person or persons to such amount as may be allowed by the county court shall be deemed to be a debt due from the person in default to the person or persons executing such order, and may be recovered accordingly in the county court.

Appeal from county court, and removal of case into High Court of Justice.

11. If either party in any proceedings before the county court under this Act feels aggrieved by the decision of the court in point of law or on the merits, or in respect of the admission or rejection of any evidence, he may appeal from that decision to the High Court of Justice.

The appeal shall be in the form of a special case to be agreed upon by both parties or their attorneys, and, if they cannot agree, to be settled by the judge of the county court upon the application of the parties or their attorneys.

The court of appeal may draw any inferences from the facts stated in the case that a jury might draw from facts stated by witnesses.

Subject to the provisions of this section, all the enactments, rules, and orders relating to proceedings in actions in county courts, and to enforcing judgments in county courts and appeals from decisions of the county court judges, and to the conditions of such appeals, and to the power of the superior courts on such appeals, shall apply to all proceedings under this Act, and to an appeal from such action, in the same manner as if such action and appeal related to a matter within the ordinary jurisdiction of the court.

Any plaint entered in a county court under this Act may be removed into the High Court of Justice by leave of any judge of

the said High Court, if it appears to such judge desirable in the interests of justice that such case should be tried in the first instance in the High Court of Justice and not in a county court, and on such terms as to security for and payment of costs, and such other terms (if any) as such judge may think fit.

Certificate of inspector of Local Government Board as to best practicable means.

12. A certificate granted by an inspector of proper qualifications appointed for the purposes of this Act by the Local Government Board to the effect that the means used for rendering harmless any sewage matter or poisonous, noxious, or polluting solid or liquid matter falling or flowing or carried into any stream, are the best or only practicable and available means under the circumstances of the particular case, shall in all courts and in all proceedings under this Act be conclusive evidence of the fact; such certificate shall continue in force for a period to be named therein, not exceeding two years, and at the expiration of that period may be renewed for the like or any less period.

All expenses incurred in or about obtaining a certificate under this section shall be paid by the applicant for the same.

Any person aggrieved by the grant or the withholding of a certificate under this section may appeal to the Local Government Board against the decision of the inspector; and the Board may either confirm, reverse, or modify his decision, and may make such order as to the party or parties by whom the costs of the appeal are to be borne as to the said Board may appear just.

Restriction on proceedings for offences.

13. Proceedings shall not be taken under this Act against any person for any offence against the provisions of Parts II. and III. of this Act until the expiration of twelve months after the passing of this Act; nor shall proceedings in any case be taken under this Act for any offence against this Act until the expiration of two months after written notice of the intention to take such proceedings has been given to the offender, nor shall proceedings under this Act be taken for any offence against this Act while other proceedings in relation to such offence are pending.

Orders as to costs of inquiries.

14. The Local Government Board may make orders as to the costs incurred by them in relation to inquiries instituted by them under this Act, and as to the parties by whom such costs shall be borne; and every such order and every order for the payment of costs made by the said Board under section twelve of this Act may be made a rule of Her Majesty's High Court of Justice.

Power of inspectors of Local Government Board.

15. Inspectors of the Local Government Board shall, for the purposes of any inquiry directed by the Board under this Act, have in relation to witnesses and their examination, the production of papers

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and accounts, and the inspection of places and matters required to be inspected, similar powers to those which the inspectors of the said Board have under the Public Health Act, 1875, for the purposes of that Act.

(2.) *Saving Clauses.*

Powers of Act cumulative.

16. The powers given by this Act shall not be deemed to prejudice or affect any other rights or powers now existing or vested in any person or persons by Act of Parliament, law, or custom, and such other rights or powers may be exercised in the same manner as if this Act had not passed; and nothing in this Act shall legalise any act or default which would but for this Act be deemed to be a nuisance or otherwise contrary to law; Provided nevertheless, that in any proceedings for enforcing against any person such rights or powers the court before which such proceedings are pending shall take into consideration any certificate granted to such person under this Act.

Saving of rights of impounding and diverting water.

17. This Act shall not apply to or affect the lawful exercise of any rights of impounding or diverting water.

Saving of certain Conservancy Acts.

18. Nothing in or done under this Act shall extend to interfere with, take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege given by "The Thames Conservancy Acts, 1857 and 1864," or by "The Thames Navigation Act, 1866," or by the Lee Conservancy Act, 1868, or any Act or Acts extending or amending the said Acts or either of them, or affect any outfall or other works of the Metropolitan Board of Works (although beyond the Metropolis) executed under the Metropolis Management Act, 1855, and the Acts amending or extending the same, or take away, abridge, or prejudicially affect any right, power, authority, jurisdiction, or privilege of the Metropolitan Board of Works.

Saving of works of certain local authorities.

19. Where any local authority or any urban or rural sanitary authority has been empowered or required by any Act of Parliament to carry any sewage into the sea or any tidal waters, nothing done by such authority in pursuance of such enactment, shall be deemed to be an offence against this Act.

(3.) *Definitions.*

Definitions.

20. In this Act, if not inconsistent with the context, the following terms have the meanings herein-after respectively assigned to them; that is to say,

"Person" includes any body of persons, whether corporate or unincorporate:

"Stream" includes the sea to such extent, and tidal waters to such point, as may, after local inquiry and on sanitary grounds, be determined by the Local Government Board, by order published in the London Gazette. Save as aforesaid, it includes rivers, streams, canals, lakes, and watercourses, other than watercourses at the passing of this Act mainly used as sewers, and emptying directly into the sea, or tidal waters which have not been determined to be streams within the meaning of this Act by such order as aforesaid:

"Solid matter" shall not include particles of matter in suspension in water:

"Polluting" shall not include innocuous discoloration:

"Sanitary authority" means—

In the metropolis as defined by the Metropolis Management Act, 1855, any local authority acting in the execution of the Nuisances Removal for England Act, 1855, and the Acts amending the same;

Elsewhere in England, any urban or rural sanitary authority acting in the execution of the Public Health Act, 1875.

PART V.

Application of the Act to Scotland.

Modifications of Act in Scotland.

21. In the application of this Act to Scotland the following provisions shall have effect:

(1.) The expression "sanitary authority" shall mean and include the local authority in any parish or burgh in Scotland, acting under the Public Health (Scotland) Act, 1867:

(2.) The expression "London Gazette" shall mean Edinburgh Gazette:

(3.) The expression "the Public Health Act, 1875," shall mean the Public Health (Scotland) Act, 1867, and any Acts amending the same:

(4.) This Act shall be read and construed as if for the expression "the Local Government Board," wherever it occurs therein, the expression "the Secretary of State" were substituted; and the expression "the Secretary of State" shall mean one of Her Majesty's Principal Secretaries of State:

(5.) The expression "the county court" shall mean the sheriff of the county, and shall include sheriff substitute; and the expression "plaint entered in a county court" shall mean petition or complaint presented in a sheriff court:

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(6.) The expression "the High Court of Justice" shall mean the Court of Session in either division of the Inner House thereof:

(7.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred on sheriffs and their substitutes:

(8.) The Court of Session may, on the application of the Lord Advocate, on behalf of the Secretary of State, interpone their authority to any order made by the Secretary of State as to the costs incurred by him in relation to inquiries instituted by him under this Act, and as to the parties by whom such costs shall be borne; and may grant decree conform thereto, upon which execution and diligence may proceed in common form:

(9.) An inspector appointed for the purposes of this Act by the Secretary of State shall, for the purposes of any inquiry directed by the Secretary of State under this Act, be entitled, by a summons signed by him, to require the attendance of all persons he may think fit to call before him in regard to the matters of the inquiry, and to administer oaths to, and examine upon oath, all such persons, and to require and enforce the production upon oath of all documents, accounts, or papers in anywise relating to such inquiry; and shall also have, in relation to the inspection of places and matters required to be inspected, similar powers to those which sanitary inspectors have under the Public Health (Scotland) Act, 1867.

PART VI.

Application of this Act to Ireland.

22. In the application of this Act to Ireland the following provisions shall have effect:

(1.) The expression "sanitary authority" shall mean any urban or rural sanitary authority acting in the execution of "The Public Health (Ireland) Act, 1874:"

(2.) The expression "The Public Health Act, 1875," shall mean "The Public Health (Ireland) Act, 1874:"

(3.) The expression "the Local Government Board" shall mean the Local Government Board for Ireland:

(4.) The expression "the county court" shall mean the civil bill court:

(5.) The expression "plaint entered in a county court" shall mean civil bill process:

(6.) The expression "the High Court of Justice" shall mean any of the Superior Courts of Common Law in Dublin, or any judge thereof to whom appeals may be brought from the decision of a civil bill court:

(7.) The expression "the judge of the county court" shall mean the chairman of quarter sessions and judge of the civil bill court:

(8.) The expression "the London Gazette" shall mean the Dublin Gazette:

(9.) All the jurisdiction, powers, and authorities necessary for the purposes of this Act are hereby conferred upon the civil bill courts and superior courts, and the judges of the same respectively:

(10.) All penalties, when recovered by or on behalf, or at the instance of or in any proceeding instituted by any sanitary authority, or any officer of such authority, shall be paid to such sanitary authority, and by the same applied in aid of their expenses under the Sanitary Acts; and save as aforesaid all such penalties shall be applied in manner directed by "The Fines Act (Ireland), 1851," and any Act amending the same.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 76.

An Act to extend the privileges of Municipal Corporations in Ireland. [15th August 1876.]

A.D. 1876.

WHEREAS it is expedient to extend the privileges now enjoyed by municipal corporations in Ireland in order more nearly to assimilate them to those enjoyed by similar bodies in England and Scotland:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title of Act.

1. This Act may be cited for all purposes as "The Municipal Privilege Act, Ireland, 1875."

Interpretation of words.

2. "Borough" in this Act shall mean and include any city, town, or borough in which a municipal corporation now exists or shall hereafter exist, pursuant to any statute regulating municipal corporations in Ireland; and the word "mayor" shall, as to the city of Dublin, mean and include the lord mayor.

Corporation of Dublin to appoint sheriff.

3. On the first day of December immediately after the passing of the Act, and on the first day of December in every year following, or in case such day shall fall on a Sunday, then on the day after, the council of the city of Dublin shall select three persons qualified to fill the said office of sheriff, and shall, within fourteen days thereafter, notify to the Lord Lieutenant of Ireland the names of the persons so selected, and the Lord Lieutenant shall, within seven days from the receipt by him of such notification, appoint one of the persons so selected to execute the office of sheriff for the county of the city of Dublin, with the like duties and powers as the sheriff or person filling the office of sheriff would have had if this Act had not passed, and the person so appointed shall, on the first day of January or so soon thereafter as he shall have taken the oaths now required by law, have and exercise the said office of sheriff

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until his successor shall have been appointed and likewise taken the oaths required by law.

Other corporations to appoint sheriffs.

4. Upon the first day of December in this and every succeeding year, or in case such day shall fall upon a Sunday, then upon the day following, the councils of the following cities and towns shall in like manner respectively select three persons qualified to fill the said office of sheriff, and shall, within fourteen days thereafter notify to the Lord Lieutenant of Ireland the names of the persons so selected, and the Lord Lieutenant shall, within seven days from the receipt by him of such notification, appoint one of the persons so selected to be sheriff for the following counties respectively; that is to say,

The council of the city of Cork, for the county of the city of Cork;

The council of the city of Limerick, for the county of the city of Limerick;

The council of the city of Waterford, for the county of the city of Waterford;

The council of the city of Kilkenny, for the county of the city of Kilkenny;

The council of the town of Drogheda, for the county of the town of Drogheda;

and each of the persons so appointed shall in like manner execute the office of sheriff of each of the said counties respectively, and shall enter on the said office on the first day of January following his election, or so soon thereafter as he shall have taken the oaths now required by law, and shall hold office until his successor shall have been appointed and likewise taken the oaths required by law.

Lord Lieutenant to appoint sheriffs if corporations neglect.

5. In case any of the said town councils shall in any year neglect or refuse to select three persons qualified to fill the office of sheriff, and to notify the names of the persons so selected to the Lord Lieutenant on the day or within the time and in manner provided by this Act, it shall be lawful for the Lord Lieutenant of Ireland at any time before the thirtieth day of November then next ensuing to appoint a fit person to be such sheriff; and every person so appointed shall so soon thereafter as he shall have taken the oaths now required by law, have and exercise all the powers, privileges, and duties pertaining to a sheriff appointed under this Act.

Present sheriffs to continue in

6. The person now filling the office of sheriff in each of the said counties shall continue to hold and execute same until the

first of January next, and until a sheriff appointed under this Act shall have entered on his office and taken the oaths required by law.

office until new appointments.

7. Any person appointed to the office of sheriff under the provisions of this Act may decline to serve without incurring any penalty.

Person appointed sheriff may decline.

8. Sheriffs appointed under the provisions of this Act may be superseded by the Crown in the same manner as sheriffs for counties can now be superseded.

Sheriffs may be superseded.

9. If at any time after the passing of this Act a vacancy shall occur in the office of sheriff of any of the said counties, or if any person appointed sheriff under this Act shall refuse to act, die, or become incapable of acting before he enters on his office, or shall be superseded, the council to whom the appointment of the said sheriff belongs shall, within one week after notice of refusal, or of the sheriff being superseded, or of a vacancy, death, or incapacity as aforesaid, at a meeting duly convened by the mayor, select three persons qualified to fill the said vacancy, and shall, within seven days thereafter, notify to the Lord Lieutenant the names of the persons so selected, and the Lord Lieutenant shall, within seven days from the receipt by him of such notification, appoint one of the persons so selected to fill the said vacancy, or to be in the room of the persons so refusing, superseded, dying, or becoming incapable.

Vacancies to be filled.

10. The office of sheriff shall not be deemed to be an office of profit in the gift or disposal of or under the council of any borough within the meaning of any statute regulating municipal corporations in Ireland, nor shall any person, by reason of being appointed to such office, be disqualified from being elected or being an alderman or councillor of such borough, nor shall any person be disqualified or incapacitated from being appointed sheriff by reason of his being such alderman or councillor.

Office of sheriff not to be deemed one of profit.

11. From and after the passing of this Act it shall be lawful for the council of any borough in Ireland to elect and admit any person to be an honorary burgess of such borough, but no person so elected or admitted shall be entitled to vote at any election or to exercise any corporate privilege or hold any corporate office by reason of such election or admission; and no person, except the person himself who is so elected and admitted, shall be entitled to make any claims by reason thereof, or to have or enjoy any right or claim by descent, inheritance, or otherwise.

Corporations may grant honorary freedom.

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Who excluded from honorary freedom.

12. No person who has been convicted of felony shall be qualified for appointment to the office of sheriff or capable of being elected to the rank of honorary burgess.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

Cruelty to Animals.

[39 & 40 Vict. Ch. 77.]

ARRANGEMENT OF CLAUSES.

Clause.

1. Short title.
2. Prohibition of painful experiments on animals.
3. General restrictions as to performance of painful experiments on animals.
4. Use of urari as an anæsthetic prohibited.
5. Special restrictions on painful experiments on dogs, cats, &c.
6. Absolute prohibition of public exhibition of painful experiments.

Administration of Law.

7. Registry of place for performance of experiments.
8. License by Secretary of State.
9. Reports to Secretary of State.
10. Inspection by Secretary of State.
11. Certificate of scientific bodies for exceptions to general regulations.
12. Power of judge to grant license for experiment when necessary in criminal case.

Legal Proceedings.

13. Entry on warrant by justice.
14. Prosecution of offences and recovery of penalties in England.
15. Power of offender in England to elect to be tried on indictment, and not by summary jurisdiction.
16. Form of appeal to quarter sessions.
17. Prosecution of offences and recovery of penalties in Scotland.
18. Prosecution of offences and recovery of penalties in Ireland.
19. Power of offender in Ireland to elect to be tried on indictment, and not by summary jurisdiction.
20. Interpretation of "the Secretary of State" as to Ireland.
21. Prosecution of licensed person only with leave of the Secretary of State.
22. Act not to apply to certain animals.

CHAPTER 77.

An Act to amend the Law relating to Cruelty to Animals. A.D. 1876.

[15th August 1876.]

WHEREAS it is expedient to amend the law relating to cruelty to animals by extending it to the cases of animals which for medical, physiological, or other scientific purposes are subjected when alive to experiments calculated to inflict pain:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Cruelty to Animals Act, 1876." Short title.

2. A person shall not perform on a living animal any experiment calculated to give pain, except subject to the restrictions imposed by this Act. Any person performing or taking part in performing any experiment calculated to give pain, in contravention of this Act, shall be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months. Prohibition of painful experiments on animals.

3. The following restrictions are imposed by this Act with respect to the performance on any living animal of an experiment calculated to give pain; that is to say, General restrictions as to performance of painful experiments on animals.

(1.) The experiment must be performed with a view to the advancement by new discovery of physiological knowledge or of knowledge which will be useful for saving or prolonging life or alleviating suffering; and

(2.) The experiment must be performed by a person holding such license from one of Her Majesty's Principal Secre-

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taries of State, in this Act referred to as the Secretary of State, as is in this Act mentioned, and in the case of a person holding such conditional license as is hereinafter mentioned, or of experiments performed for the purpose of instruction in a registered place; and

(3.) The animal must during the whole of the experiment be under the influence of some anæsthetic of sufficient power to prevent the animal feeling pain; and

(4.) The animal must, if the pain is likely to continue after the effect of the anæsthetic has ceased, or if any serious injury has been inflicted on the animal, be killed before it recovers from the influence of the anæsthetic which has been administered; and

(5.) The experiment shall not be performed as an illustration of lectures in medical schools, hospitals, colleges, or elsewhere; and

(6.) The experiment shall not be performed for the purpose of attaining manual skill.

Provided as follows; that is to say,

(1.) Experiments may be performed under the foregoing provisions as to the use of anæsthetics by a person giving illustrations of lectures in medical schools, hospitals, or colleges, or elsewhere, on such certificate being given as in this Act mentioned, that the proposed experiments are absolutely necessary for the due instruction of the persons to whom such lectures are given with a view to their acquiring physiological knowledge or knowledge which will be useful to them for saving or prolonging life or alleviating suffering; and

(2.) Experiments may be performed without anæsthetics on such certificate being given as in this Act mentioned that insensibility cannot be produced without necessarily frustrating the object of such experiments; and

(3.) Experiments may be performed without the person who performed such experiments being under an obligation to cause the animal on which any such experiment is performed to be killed before it recovers from the influence of the anæsthetic on such certificate being given as in this Act mentioned, that the so killing the animal would necessarily frustrate the object of the experiment, and provided that the animal be killed as soon as such object has been attained; and

(4.) Experiments may be performed not directly for the advancement by new discovery of physiological knowledge, or of knowledge which will be useful for saving or prolonging life or alleviating suffering, but for the purpose of testing a particular former discovery alleged to have been made for the advancement of such knowledge as last aforesaid, on such certificate being given as is in this Act mentioned that such testing is absolutely necessary for the effectual advancement of such knowledge.

Use of urari as an anæsthetic prohibited.

4. The substance known as urari or curare shall not for the purposes of this Act be deemed to be an anæsthetic.

Special restrictions on painful experiments on dogs, cats, &c.

5. Notwithstanding anything in this Act contained, an experiment calculated to give pain shall not be performed without anæsthetics on a dog or cat, except on such certificate being given as in this Act mentioned, stating, in addition to the statements herein-before required to be made in such certificate, that for reasons specified in the certificate the object of the experiment will be necessarily frustrated unless it is performed on an animal similar in constitution and habits to a cat or dog, and no other animal is available for such experiment; and an experiment calculated to give pain shall not be performed on any horse, ass, or mule except on such certificate being given as in this Act mentioned that the object of the experiment will be necessarily frustrated unless it is performed on a horse, ass, or mule, and that no other animal is available for such experiment.

Absolute prohibition of public exhibition of painful experiments.

6. Any exhibition to the general public, whether admitted on payment of money or gratuitously, of experiments on living animals calculated to give pain shall be illegal.

Any person performing or aiding in performing such experiments shall be deemed to be guilty of an offence against this Act, and shall, if it be the first offence, be liable to a penalty not exceeding fifty pounds, and if it be the second or any subsequent offence, be liable, at the discretion of the court by which he is tried, to a penalty not exceeding one hundred pounds or to imprisonment for a period not exceeding three months.

And any person publishing any notice of any such intended exhibition by advertisement in a newspaper, placard, or otherwise shall be liable to a penalty not exceeding one pound.

A person punished for an offence under this section shall not for the same offence be punishable under any other section of this Act.

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Administration of Law.

Registry of place for performance of experiments.

7. The Secretary of State may insert, as a condition of granting any license, a provision in such license that the place in which any experiment is to be performed by the licensee is to be registered in such manner as the Secretary of State may from time to time by any general or special order direct; provided that every place for the performance of experiments for the purpose of instruction under this Act shall be approved by the Secretary of State, and shall be registered in such manner as he may from time to time by any general or special order direct.

License by Secretary of State.

8. The Secretary of State may license any person whom he may think qualified to hold a license to perform experiments under this Act. A license granted by him may be for such time as he may think fit, and may be revoked by him on his being satisfied that such license ought to be revoked. There may be annexed to such license any conditions which the Secretary of State may think expedient for the purpose of better carrying into effect the objects of this Act, but not inconsistent with the provisions thereof.

Reports to Secretary of State.

9. The Secretary of State may direct any person performing experiments under this Act from time to time to make such reports to him of the result of such experiments, in such form and with such details as he may require.

Inspection by Secretary of State.

10. The Secretary of State shall cause all registered places to be from time to time visited by inspectors for the purpose of securing a compliance with the provisions of this Act, and the Secretary of State may, with the assent of the Treasury as to number, appoint any special inspectors, or may from time to time assign the duties of any such inspectors to such officers in the employment of the Government, who may be willing to accept the same, as he may think fit, either permanently or temporarily.

Certificate of scientific bodies for exceptions to general regulations.

11. Any application for a license under this Act and a certificate given as in this Act mentioned must be signed by one or more of the following persons; that is to say,

The President of the Royal Society;

The President of the Royal Society of Edinburgh;

The President of Royal Irish Academy;

The Presidents of the Royal Colleges of Surgeons in London, Edinburgh, or Dublin;

The Presidents of the Royal Colleges of Physicians in London, Edinburgh, or Dublin;

The President of the General Medical Council;

The President of the Faculty of Physicians and Surgeons of Glasgow;

The President of the Royal College of Veterinary Surgeons, or the President of the Royal Veterinary College, London, but in the case only of an experiment to be performed under anæsthetics with a view to the advancement by new discovery of veterinary science;

and also (unless the applicant be a professor of physiology, medicine, anatomy, medical jurisprudence, materia medica, or surgery in a university in Great Britain or Ireland, or in University College, London, or in a college in Great Britain or Ireland, incorporated by royal charter) by a professor of physiology, medicine, anatomy, medical jurisprudence, materia medica, or surgery in a university in Great Britain or Ireland, or in University College, London, or in a college in Great Britain or Ireland, incorporated by royal charter.

Provided that where any person applying for a certificate under this Act is himself one of the persons authorised to sign such certificate, the signature of some other of such persons shall be substituted for the signature of the applicant.

A certificate under this section may be given for such time or for such series of experiments as the person or persons signing the certificate may think expedient.

A copy of any certificate under this section shall be forwarded by the applicant to the Secretary of State, but shall not be available until one week after a copy has been so forwarded.

The Secretary of State may at any time disallow or suspend any certificate given under this section.

Power of judge to grant license for experiment when necessary in criminal case.

12. The powers conferred by this Act of granting a license or giving a certificate for the performance of experiments on living animals may be exercised by an order in writing under the hand of any judge of the High Court of Justice in England, of the High Court of Session in Scotland, or of any of the superior courts in Ireland, including any court to which the jurisdiction of such last-mentioned courts may be transferred, in a case where such judge is satisfied that it is essential for the purposes of justice in a criminal case to make any such experiment.

Legal Proceedings.

Entry on warrant by justice.

13. A justice of the peace, on information on oath that there is reasonable ground to believe that experiments in contravention of

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this Act are being performed by an unlicensed person in any place not registered under this Act may issue his warrant authorising any officer or constable of police to enter and search such place, and to take the names and addresses of the persons found therein.

Any person who refuses admission on demand to a police officer or constable so authorised, or obstructs such officer or constable in the execution of his duty under this section, or who refuses on demand to disclose his name or address, or gives a false name or address, shall be liable to a penalty not exceeding five pounds.

Prosecution of offences and recovery of penalties in England.

14. In England, offences against this Act may be prosecuted and penalties under this Act recovered before a court of summary jurisdiction in manner directed by the Summary Jurisdiction Act.

In England "Summary Jurisdiction Act" means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled "An Act to "facilitate the performance of the duties of justices of the "peace out of sessions within England and Wales with respect "to summary convictions and orders," and any Act amending the same.

"Court of summary jurisdiction."

"Court of summary jurisdiction" means and includes any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, exercising jurisdiction in pursuance of the Summary Jurisdiction Act: Provided that the court when hearing and determining an information under this Act shall be constituted either of two or more justices of the peace in petty sessions, sitting at a place appointed for holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Power of offender in England to elect to be tried on indictment, and not by summary jurisdiction.

15. In England, where a person is accused before a court of summary jurisdiction of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

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Form of appeal to quarter sessions.

16. In England, if any party thinks himself aggrieved by any conviction made by a court of summary jurisdiction on determining any information under this Act, the party so aggrieved may appeal therefrom, subject to the conditions and regulations following:

(1.) The appeal shall be made to the next court of general or quarter sessions for the county or place in which the cause of appeal has arisen, holden not less than twenty-one days after the decision of the court from which the appeal is made; and

(2.) The appellant shall, within ten days after the cause of appeal has arisen, give notice to the other party and to the court of summary jurisdiction of his intention to appeal, and of the ground thereof; and

(3.) The appellant shall, within three days after such notice, enter into a recognizance before a justice of the peace, with two sufficient sureties, conditioned personally to try such appeal, and to abide the judgment of the court thereon, and to pay such costs as may be awarded by the court, or give such other security by deposit of money or otherwise as the justice may allow; and

(4.) Where the appellant is in custody the justice may, if he think fit, on the appellant entering into such recognizance or giving such other security as aforesaid, release him from custody; and

(5.) The court of appeal may adjourn the appeal, and upon the hearing thereof they may confirm, reverse, or modify the decision of the court of summary jurisdiction, or remit the matter to the court of summary jurisdiction with the opinion of the court of appeal thereon, or make such other order in the matter as the court thinks just, and if the matter be remitted to the court of summary jurisdiction the said last-mentioned court shall thereupon re-hear and decide the information in accordance with the order of the said court of appeal. The court of appeal may also make such order as to costs to be paid by either party as the court thinks just.

Prosecution of offences and recovery of penalties in Scotland.

17. In Scotland, offences against this Act may be prosecuted and penalties under this Act recovered under the provisions of the Summary Procedure Act, 1864, or if a person accused of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, on appearing before a court of summary jurisdiction, declare that he objects to being tried for such offence

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in the court of summary jurisdiction, proceedings may be taken against him on indictment in the Court of Justiciary in Edinburgh or on circuit.

Every person found liable in any penalty or costs shall be liable in default of immediate payment to imprisonment for a term not exceeding three months, or until such penalty or costs are sooner paid.

Prosecution of offences and recovery of penalties in Ireland.

18. In Ireland, offences against this Act may be prosecuted and penalties under this Act recovered in a summary manner, subject and according to the provisions with respect to the prosecution of offences, the recovery of penalties, and to appeal of the Petty Sessions (Ireland) Act, 1851, and any Act amending the same, and in Dublin of the Acts regulating the powers of justices of the peace or of the police of Dublin metropolis. All penalties recovered under this Act shall be applied in manner directed by the Fines (Ireland) Act, 1871, and any Act amending the same.

Power of offender in Ireland to elect to be tried on indictment, and not by summary jurisdiction.

19. In Ireland, where a person is accused before a court of summary jurisdiction of any offence against this Act in respect of which a penalty of more than five pounds can be imposed, the accused may, on appearing before the court of summary jurisdiction, declare that he objects to being tried for such offence by a court of summary jurisdiction, and thereupon the court of summary jurisdiction may deal with the case in all respects as if the accused were charged with an indictable offence and not an offence punishable on summary conviction, and the offence may be prosecuted on indictment accordingly.

Interpretation of "the Secretary of State" as to Ireland.

20. In the application of this Act to Ireland the term "the Secretary of State" shall be construed to mean the Chief Secretary to the Lord Lieutenant of Ireland for the time being.

Prosecution only with leave of Secretary of State.

21. A prosecution under this Act against a licensed person shall not be instituted except with the assent in writing of the Secretary of State.

Not to apply to invertebrate animals.

22. This Act shall not apply to invertebrate animals.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Juries Procedure (Ireland).

[39 & 40 Vict. Ch. 78.]

ARRANGEMENT OF CLAUSES.

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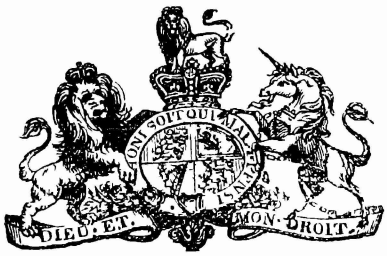
Clause.

1. Short title.
2. Interpretation.
3. Construction.
4. Summoning of jurors.
5. Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.
6. Summoning of jurors. Books of summonses to be kept.
7. Execution of Act by Royal Irish Constabulary.
8. Judges may order jury summons to be sent by post.
9. Lord Lieutenant in Council to fix limits of expenses.
10. Challenges in civil and criminal trials.
11. Adjournment to enable jurors to view places.
12. Jurors to be allowed fire and refreshment.
13. Juries de ventre inspiciendo abolished. Power for court to direct inquiry by medical men.
14. Power to correct jurors books may be exercised by any judge, &c.
15. Power to judge to excuse jurors from serving.
16. Private prosecutors to have no right to have jurors ordered to stand by 34 & 35 Vict. c. 65. s. 24., but may challenge six jurors peremptorily.
17. Challenge to the array.
18. Names of persons summoned as grand jurors at Green Street not to be initialed or omitted in taking subsequent panel.
19. Names of jurors in criminal cases to be ballotted for.
20. Exemption from serving on juries.
21. Disqualifications.
22. Abolition of market juries.

SCHEDULES.



CHAPTER 78.

An Act to amend the Procedure connected with Trial by Jury in Ireland. [15th August 1876.]

A.D. 1876.

WHEREAS it is expedient to amend the procedure connected with trial by jury in Ireland:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited for all purposes as "The Juries Procedure (Ireland) Act, 1876." Short title.

2. The term "Juries (Ireland) Acts" in this Act shall mean The Juries (Ireland) Acts, 1871 to 1872, and the Acts altering, amending, or affecting the same for the time being in force. Interpretation.

3. The Juries (Ireland) Acts as amended by this Act and this Act shall be construed together as one Act. Construction.

4. With respect to the summoning of jurors in rotation by the sheriff or other officer under the Juries (Ireland) Acts, the following provisions shall have effect: Summoning of jurors.

1. The names of persons who when last summoned to attend as jurors have not attended in obedience to such summons shall be taken from the jurors books by the sheriff or other officer in the same manner as the names of persons who under the provisions of the said Acts are to be taken from the jurors books in rotation as persons who have not been summoned; and for the purpose of aiding the sheriff in ascertaining the persons who when summoned to attend as jurors have not so attended, it shall be the duty of the person acting as clerk of the Crown, clerk of the peace, or registrar, as the case may be, of any court to which persons shall have been summoned as jurors at the commencement of the sittings of

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such court, or as soon thereafter as conveniently may be, even though there be no business requiring the empannelling of a jury, to call over the panel returned by the sheriff, and to mark thereon the names of all jurors who shall have attended and answered when called, and immediately after the termination of the sittings of such court to return a copy of such panel so marked to the sheriff, who shall thereupon mark on the jurors book the names of the jurors who have attended in obedience to such summons:

Every person named as a juror in the panel returned by the sheriff, and who shall not attend and answer when so called as aforesaid, or be proved to the satisfaction of the court to have been prevented by illness or other inevitable accident from so attending or answering, shall be ordered by the court to forfeit and pay a fine or penalty of forty shillings at the least, or such larger sum as the court shall under the circumstances think fit; and every order so made for the imposition of such fine or penalty shall be and be deemed to be within the several provisions of the Fines Act, Ireland, 1851, and any Act amending the same:

2. The persons whose names shall be returned to serve as grand jurors or petit jurors at any general quarter sessions of the peace, or in any civil bill court, shall be resident within the division in and for which such sessions or civil bill court are or is held, and where such sessions or civil bill court are or is held at more than one place in such division, the jurors returned shall be resident within such petty sessions district or districts conveniently near to the place in which such sessions or court are or is held as may be prescribed by the chairman of such county in any order made under the authority of this Act, and for such purpose the sheriff or other officer in returning the said names according to the alphabetical order of selection shall when necessary for the purpose of complying with this enactment omit the name of any person not resident in such division, and may for such purpose omit the name of any person not resident in the petty sessions district or districts so prescribed as aforesaid:

3. Where a juror in attendance at any court shall have travelled a distance of not less than fifteen miles from his usual place of abode for the purpose of such attendance, it shall be lawful for the judge of such court in his discretion, upon the application of such juror, having regard to the time necessarily occupied and the expense necessarily incurred in

such travelling, to grant to such juror a certificate of exemption for the next occasion when such juror would, in the ordinary course, be selected to be returned as a juror on any panel for any purpose whatsoever; and if such certificate shall be forwarded to the office of the sheriff within whose bailiwick such court was held within ten days from the granting thereof, but not otherwise, an entry of the same shall be made opposite the name of such juror in the general jurors book or special jurors book; and thereupon the sheriff or other officer shall omit to select such juror on the occasion specified in such certificate when such juror would be selected in ordinary course; and after such omission the sheriff or other officer shall, in making any subsequent selection and return, treat such juror as though he had on the occasion of such omission been duly selected, returned, and summoned, and had attended in accordance with such summons.

Where quarter sessions or civil bill court held in more than one place in division, chairman to fix locality from which jurors shall be summoned.

5. Where any general quarter sessions of the peace or any civil bill court are or is held at more than one place in any division of a county, the chairman of such county shall within three months after the passing of this Act, by order under his hand and seal, direct that the jurors returned to serve as grand jurors or petit jurors at such general quarter sessions or civil bill court shall be resident within such petty sessions district or districts as may in his opinion be conveniently near to the place in which such sessions or court are or is held, and as are prescribed by such order, and he shall forthwith, after the making of such order, deliver the same to the clerk of the peace for such county, by whom it shall be duly filed in his office and preserved among the records of such county, and the clerk of the peace for such county shall forthwith transmit a copy of such order to the sheriff of such county for the time being, and to every succeeding sheriff of such county immediately after his appointment to his office of sheriff, and from and after the making and filing of such order in manner aforesaid the jurors at such courts shall be summoned in accordance therewith: Provided, however, that the chairman may from time to time vary such order.

Summoning of jurors.

6. Section twenty-one of the Juries (Ireland) Act, 1871, shall be and the same is hereby repealed, and in lieu thereof be it enacted, that, save as by the Juries (Ireland) Acts, 1871 to 1872, and by this Act expressly provided, the summons of every person to serve on any jury in any court shall be made four clear days at least before the day on which the attendance of such person shall be

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required by a constable or sub-constable of the Royal Irish Constabulary acting in and for the county or borough in which such person shall reside by delivering a summons to the person to be summoned, or in case he shall be absent from his usual place of abode, by leaving such summons with some person therein inhabiting, and every summons requiring the attendance of any person as a juror shall be duly and properly filled with the name of the juror, and shall be signed by the sheriff or other officer, previous to such summons being delivered to such constable or sub-constable for service; and every constable or sub-constable summoning jurors under this Act shall keep a book or books in which he shall truly enter the name of every person so summoned by him, with the day on which such summons shall be served, and the manner and particulars of the service thereof, and every such constable and sub-constable shall attend, and shall (if required) produce such book or books at the sitting of the court, and verify the same upon oath, or shall cause such book or books to be produced to the court in case of his unavoidable absence, and in case of the death, illness, or unavoidable absence of such constable or sub-constable, the book kept by him as aforesaid, verified on oath as to his handwriting by some credible person, shall (if required) be produced to the court, and shall be primâ facie evidence of the truth of the several matters entered therein as aforesaid, and if any such constable or sub-constable shall, without reasonable excuse, neglect to summon any juror as herein-before directed, or to keep such book or books, or to make such entries therein as aforesaid, or to attend the court, or produce or verify or cause to be produced the said book or books as herein-before provided, every constable or sub-constable so offending may, for every such neglect, be fined by the court in a summary way in any amount not exceeding ten pounds for each such offence, with the alternative of imprisonment in default of payment of such fine for any period not exceeding seven days.

Books of summonses to be kept.

Execution of Act by Royal Irish Constabulary.

7. The officers and men of the Royal Irish Constabulary shall respectively afford assistance to sheriffs and other officers in the execution of this Act, and, subject to such regulations as may be made under this Act, do such acts as may respectively be required of them and as they may be able to do without interfering with their permanent duty.

The Inspector General of the Royal Irish Constabulary shall make such orders with respect to the execution of this Act by the officers and men of the said constabulary as he may think proper and as the

Chief Secretary to the Lord Lieutenant of Ireland shall approve, and he may from time to time and with the like approval revoke, alter, or amend such orders, or may make new orders in lieu of the same.

Judges may order jury summons to be sent by post.

8. It shall be lawful for any judge of assize in any county from time to time by order under his hand to direct that the summonses for the attendance of jurors in such county or any part of the same shall for such period as may be specified in such order be served by post, and every such order shall be entered in the Crown Book; and thereupon the provisions of the Juries Act (Ireland), 1871, in reference to the transmission by post of jury summonses in the county of the city of Dublin shall during the period specified in such order be and the same are hereby extended to the summoning of jurors and service of notices in such county, or such part of such county.

Lord Lieutenant in Council to fix limits of expenses.

9. The Lord Lieutenant, by and with the advice and consent of the Privy Council of Ireland, may from time to time make orders, and when made may revoke, alter, or amend the same, and may make new orders instead of any orders revoked, fixing a scale or scales according to which the expenses of printing and the remuneration of clerks of the peace, clerks and rate collectors of poor law unions, and the collector-general of rates in the city of Dublin, in carrying into execution the several purposes of the Juries (Ireland) Acts, and thereby made payable, shall be calculated, and thereupon such expenses and remuneration shall in each case be calculated according to the scale or scales fixed by such order, and for the time being in force and not otherwise. Except as specially provided with respect to collectors of poor rates in the county of the city of Dublin, all the provisions of the Juries (Ireland) Acts with respect to the payment of remuneration to the clerks of poor law unions as compensation for the duty by the said Acts imposed upon them are hereby amended so as to extend to and include rate collectors of poor law unions, and such rate collectors shall be paid accordingly.

Challenges in civil and criminal trials.

10. In all civil trials in the superior courts, the plaintiff or plaintiffs on the one hand, and the defendant or defendants on the other respectively, shall be entitled to challenge without cause assigned in all six jurors, and in the inferior courts in all three jurors, and in all trials of indictments for misdemeanor and informations the person or persons on trial shall be entitled to challenge without cause assigned in all six jurors.

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Adjournment to enable jurors to view places.

11. On the trial of any indictment or information the court or judge may at any time after the jurors have been sworn to try the case, and before they shall give their verdict, order that they shall have a view of any place named in such order, and may for that purpose adjourn the trial and may order the costs and expenses occasioned thereby to be paid as part of the costs of the prosecution when the Crown is the prosecutor, and in other cases in like manner as costs are ordered to be paid when the costs of prosecution or defence are allowed by the judge under the Acts in that behalf now in force. And the court or judge shall give such directions as shall seem requisite for the purpose of preventing undue communication with such jurors, provided that no breach of any such directions shall be deemed ground of mistrial or of error.

Jurors to be allowed fire and refreshment.

12. Jurors, after having been sworn, may, in the discretion of the judge, be allowed, at any time before giving their verdict, the use of a fire when out of court, and be allowed also to obtain reasonable refreshment.

Juries de v. in. abolished.

Power for court to direct inquiry by medical men.

13. In cases where a female upon a capital conviction alleges, or the court has otherwise reason to suppose that she is pregnant, no jury de ventre inspiciendo shall be empannelled or sworn, but the court shall direct that one or more medical men be sworn to inquire whether she be with child of a quick child, and if after due inquiry he or they shall report that she is with child of a quick child, the court shall stay execution of the sentence until such female be delivered of a child, or until it is no longer possible in the course of nature that she shall be so delivered, and in such case the court may order the expenses of such inquiry to be paid as part of the costs of the prosecution.

Power to correct jurors books may be exercised by any judge, &c.

14. All the powers under section fifteen of the Juries Act (Ireland), 1871, of ordering a general jurors book or special jurors book to be corrected or amended, may be exercised by any judge at any time during the sitting of his court, upon sworn testimony or any other evidence or information satisfactory to such judge, and shall extend to and include the expunging from any general jurors book or special jurors book, as the case may be, of the name of any person contained therein who may be exempted or disqualified from serving on juries under this Act, though not so exempted under the Juries Act (Ireland), 1871.

Power to judge to excuse jurors from serving.

15. Whereas doubts have been entertained as to the power of judges to excuse jurors from serving, and it is expedient to remove such doubts: It is hereby declared and enacted, that it shall be lawful for the judge, if he shall so think fit, of any court before

which any person may be summoned as a juror, to discharge in open court such person from further attendance on such court, or to excuse such person from attendance for any period during the sittings of such court.

Private prosecutors to have no right to have jurors ordered to stand by 34 & 35 Vict. c. 65. s. 24., but may challenge six jurors peremptorily.

16. From and after the passing of this Act, section twenty-four of the Juries Act (Ireland), 1871, shall be and the same is hereby repealed, and in lieu thereof be it enacted, that where any bill of indictment is preferred before any court in Ireland by or on behalf of any private prosecutor, he shall not upon the trial of any such indictment have the right of requiring the court to order any juror to stand by until the panel shall have been gone through; but such private prosecutor shall be entitled to challenge without cause assigned six jurors.

Challenge to the array.

17. From and after the passing of this Act, no challenge to the array shall be allowed for any cause except partiality, fraud, or wilful misconduct of the sheriff or other officer returning the panel.

Names of persons summoned as grand jurors at Green Street not to be initialed or omitted in taking subsequent panel.

18. Whenever the sheriff or other officer shall select persons to be returned to serve as grand jurors at any general sessions of the peace or at the sittings of the court of oyer and terminer and general gaol delivery to be holden at Green Street, Dublin, he shall not initial in any jurors book the names of the persons so selected to serve as grand jurors as aforesaid, and in preparing any subsequent panel of jurors, such sheriff or officer shall not omit to take the name of any person whom he may have previously thereto selected and summoned to serve as such grand juror as aforesaid on account of his having already summoned such person to serve as such grand juror.

Names of jurors in criminal cases to be ballotted for.

19. The name of each man who shall be summoned and empannelled as a juror in any court for the trial of criminal issues, with the place of his abode and addition, and his number upon the panel, shall be written on a distinct piece of card, such cards being all as nearly may be of an equal size, which shall be delivered unto the proper officer by the sheriff or other officer returning the process, and the same shall, under the direction and care of such officer, be put together in a box to be provided for that purpose, and shall be shaken together; and when any criminal issue shall be brought on to be tried, such officer shall in open court draw out the said cards, one after another, and shall call out the name and number upon each such card as it is drawn, until such a number have answered to their names as in the opinion of the court will probably be sufficient, after allowing for challenges of jurors and directions to stand aside, to provide a full jury; and thereupon the officer shall

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proceed to swear the jury, each juror being called to swear in the order in which his name was so drawn, until after subtracting all just challenges allowed, and jurors directed to stand aside, twelve jurors shall be sworn; and if the number so answering shall prove insufficient to provide such full jury, the officer shall proceed to draw further names from the box, and call the same in manner aforesaid, until, after challenges allowed and jurors directed to stand aside, twelve jurors shall be sworn: Provided always, that nothing herein contained shall deprive the prisoner of his right to have the inquest taken, and for that purpose in case by challenges and directions to stand by the panel shall be exhausted without leaving a sufficient number to form a jury, those who have been directed to stand by shall be again called in the order in which they were drawn, until the jury shall be completed, but as regards such last-mentioned jurors subject only to such and no other right to challenge or direct to stand aside as would in like case have existed if this Act had not been passed; and the twelve men who in manner aforesaid shall be ultimately sworn shall be the jury to try such issue, and the names of the men so drawn and sworn shall be kept apart by themselves until such jury shall have given in their verdict, and the same shall be recorded, or until such jury shall be discharged; and then the same names shall be returned to the box, there to be kept with the other names remaining at that time undrawn, and so toties quoties as long as any issue remains to be tried: Provided also, that when the prosecutor or prisoner in any criminal case shall not object thereto, the court may try any such issue with the same jury that shall have previously tried or been drawn to try any other issue, without their names being returned to the box and redrawn, or order the name or names of any man or men on such jury, whom both parties may consent to withdraw, or who may justly be challenged or excused by the court, to be set aside, and another name or other names to be drawn from the box, and try the issue with the residue of such original jury and with such man or men whose name or names shall be so drawn, and who shall appear and be approved as indifferent, and so toties quoties as long as any issue remains to be tried: Provided also, that omission to follow the directions in this section shall not be deemed ground of mistrial or of error.

Exemption from serving on juries.

20. From and after the eleventh day of January one thousand eight hundred and seventy-seven the provisions of the Juries (Ireland) Acts which relate to the exemption of persons from serving on juries, inquests, or inquiries shall be and the same are hereby repealed; and thereupon the persons described in the first schedule to this Act annexed shall be absolutely freed and exempted

from being returned, and from serving on any jury, inquest, or inquiry in any court or on any occasion whatsoever; and the names of such persons shall not be inserted in any jurors lists or jurors books to be prepared after the first day of July one thousand eight hundred and seventy-six by virtue of the Juries (Ireland) Acts: Provided that no verdict or trial shall be invalid or impeached on the ground that any person so exempted was sworn and served upon the jury which found such verdict at such trial.

Disqualifications.

21. In addition to the persons not qualified under the Juries (Ireland) Acts to serve on juries, inquests, and inquiries, no man who has been or shall be convicted of perjury, unless he shall obtain a free pardon, is or shall be qualified to serve on juries, inquests, or inquiries in any court, or on any occasion whatsoever.

Abolition of market juries.

22. Whereas the enactments specified in the second schedule to this Act annexed were made for the establishment of market juries, and such juries are not any longer necessary: Be it therefore enacted, that from and after the passing of this Act the said enactments specified in the said second schedule to this Act annexed shall be and the same are hereby repealed.

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FIRST SCHEDULE.

EXEMPTION from serving on JURIES.

Peers.

Members of Parliament.

Clergymen in Holy Orders and other persons who shall teach or preach in any religious congregation, and who do not follow any secular occupation except that of schoolmaster.

Persons holding any paid, judicial, or other office belonging to any court of justice in Ireland.

Persons of the following professions actually practising :—

- Barristers-at-law.
- Attorneys and solicitors.
- Licensed medical practitioners.
- Apothecaries duly certified.
- Pharmaceutical chymists duly registered.
- Civil engineers.
- Public notaries and actuaries entitled to grant statutable certificates.
- Professors, schoolmasters, or teachers, in any college, academy, or school.

Persons holding any public office under Her Majesty's Government, or any public department, or under any local authority, and paid from taxes, general or local.

Persons licensed to sell intoxicating liquors by retail to be consumed on the premises where such premises shall be rated at a net annual value of less than fifteen pounds a year.

Masters of vessels and duly licensed pilots.

Persons who cannot read and write the English language, or who from lunacy, imbecility of mind, deafness, blindness, or other permanent infirmity are unfit to serve as jurors.

And persons heretofore exempted by virtue of any prescription, charter, grant, writ, or Local Act of Parliament.

SECOND SCHEDULE.

Session and Chapter.	Title or Abbreviated Title.	Extent of Repeal.
	Acts of the Parliament of Ireland.	
13 & 14 Geo. III. c. 22.	An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned.	Section 73.
15 & 16 Geo. III. c. 20.	An Act to explain and amend an Act intituled An Act for paving the Streets, Lanes, Quays, Bridges, Squares, Courts, and Alleys within the city and county of the city of Dublin; and other purposes relative to the said city of Dublin, and other places therein particularly mentioned, and for extending the provisions of the said Act to the baronies of Saint Sepulchre's and Donore.	Section 43.
27 Geo. III. c. 46. -	An Act for establishing Market Juries in Cities.	The whole Act.
28 Geo. III. c. 42. -	An Act for continuing the Acts relative to Bankrupts, and for reviving, continuing, and amending certain temporary Statutes.	Section 9.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

Elementary Education.

[39 & 40 Vict. Ch. 79.]

ARRANGEMENT OF CLAUSES.

A.D. 1876.

Preliminary.

Clauses.

1. Short title.
2. Extent of Act.
3. Commencement of Act.

Part I.

Law as to Employment and Education of Children.

4. Declaration of duty of parent to educate child.
5. Regulation as to employment of child under ten, and certificate of education or previous school attendance being condition of employment of child over ten.
6. Penalty for employing a child in contravention of Act.
7. Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.
8. Employment and education of children in factories, &c.
9. Exception to prohibition of employment of children.
10. Payment of school fees for poor parents.
11. Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.
12. Proceedings on disobedience to order of court for attendance at school.
13. Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

Industrial School.

14. License to child sent to industrial school to live out while attending school.
15. Amendment as to provision of industrial school by school board.

Day Industrial School.

Clauses.

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16. Establishment, &c. of day industrial schools.
17. Conditions of contribution to day industrial schools.

Parliamentary Grant.

18. Contribution for fees of children who obtain certificates.
19. Amendment of 33 & 34 Vict. c. 75. s. 97. as to conditions of annual parliamentary grant.
20. Conditions for obtaining parliamentary grant.

Byelaws.

21. School attendance committee to have like powers with school boards of enforcing by byelaw attendance of children.
22. Provision as to requisition of parish.
23. Provision as to byelaws under section 74. of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75.), as extended by this Act.

Administrative Provisions.

24. Supplemental provisions as to certificates of proficiency and previous attendance at school.
25. Certificates of birth for purposes of Act.
26. Returns of registrars of births and deaths to school boards.
27. Provision in case of failure of local authority to perform their duty under this Act.
28. Officers of local authority.
29. Power of officer of local authority to enter place of employment.
30. Provision as to powers and expenses of school board.
31. Expenses of local authority other than school board.
32. Provisions as to school attendance committee, and appointment of local committee.
33. Power to authorise appointment of school attendance committee by urban sanitary authority.
34. Clerk of school attendance committee of guardians, and application of Acts to guardians and school attendance committee.
35. Charge to parish of money for school fees.
36. Effect of subsequent appointment of school board.

Legal Proceedings.

Clauses.

37. Application of 36 & 37 Vict. c. 86. ss. 23–5, to penalties, and punishment for fraudulently obtaining payment of fees.

38. No prosecutions except with the authority of two members of a school board or local authority.

39. Exemption of employer on proof of guilt of some other person.

Miscellaneous.

40. Adaptation of 36 & 37 Vict. c. 86. s. 3., respecting pauper children, to this Act.

41. Dissolution of school board under certain circumstances.

42. Provision of offices by school board with consent of Education Department.

43. Local authority to send returns.

44. Amendment of 33 & 34 Vict. c. 75. as to elections to fill casual vacancies in school board.

45. Application of 33 & 34 Vict. c. 75. ss. 83, 84, to orders and documents of Education Department.

46. Effect of schedules.

47. Definition of employment in case of parent.

48. General definitions.

49. Provision as to part of a parish.

50. Construction of this Act with other enactments.

51. Temporary modification as to application of Act, and saving for children in employment at passing of Act.

52. Repeal of Acts.

Part II.

53. Application of the Act to Scotland.

Schedules.

CHAPTER 79.

An Act to make further provision for Elementary Education. A.D. 1876.

[15th August 1876.]

WHEREAS it is expedient to make further provision for the education of children, and for securing the fulfilment of parental responsibility in relation thereto, and otherwise to amend and to extend the Elementary Education Acts:

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the "Elementary Education Act, 1876." Short title.

2. This Act shall not, save as otherwise expressly provided, apply to Scotland or Ireland. Extent of Act.

3. This Act shall, save as otherwise expressly provided, come into operation on the first day of January one thousand eight hundred and seventy-seven (which day is in this Act referred to as the commencement of this Act). Commencement of Act.

PART I.

Law as to Employment and Education of Children.

4. It shall be the duty of the parent of every child to cause such child to receive efficient elementary instruction in reading, writing, and arithmetic, and if such parent fail to perform such duty, he shall be liable to such orders and penalties as are provided by this Act. Declaration of duty of parent to educate child.

5. A person shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned) any child— Regulation as to employment of child under 10, and certificate of

(1.) Who is under the age of ten years; or

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education or previous school attendance being condition of employment of child over 10.

(2.) Who, being of the age of ten years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act in that behalf mentioned, unless such child, being of the age of ten years or upwards, is employed, and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (herein-after mentioned) made under section seventy-four of The Elementary Education Act, 1870, as amended by The Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.

Penalty for employing a child in contravention of Act.

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

Enforcement of Act by school board or school attendance committee of existing local authority or by inspectors of factories or mines.

7. The provisions of this Act respecting the employment of children shall be enforced—

(1.) In a school district within the jurisdiction of a school board, by that board; and

(2.) In every other school district by a committee (in this Act referred to as a school attendance committee) appointed annually, if it is a borough, by the council of the borough, and, if it is a parish, by the guardians of the union comprising such parish.

A school attendance committee under this section may consist of not less than six nor more than twelve members of the council or guardians appointing the committee, so, however, that, in the case of a committee appointed by guardians, one third at least shall consist of ex-officio guardians, if there are any and sufficient ex-officio guardians.

Every such school board and school attendance committee (in this Act referred to as the local authority) shall, as soon as may be, publish the provisions of this Act within their jurisdiction in such manner as they think best calculated for making those provisions known.

Provided that it shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local

authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise. A.D. 1876.

It shall be the duty of such local authority to report to the Education Department any infraction of the provisions of section seven of the Elementary Education Act, 1870, in any public elementary school within their district which may come to their knowledge, and also to forward to the Education Department any complaint which they may receive of the infraction of those provisions.

Employment and education of children in factories, &c.

8. Whereas by sections fourteen and fifteen of the Workshop Regulation Act, 1867, provision is made respecting the education of children employed in workshops, and it is expedient to substitute for the said sections the provisions respecting education of the Factory Acts, 1844 and 1874; Be it therefore enacted, that sections thirty-one, thirty-eight, and thirty-nine of the Factory Act, 1844, and sections twelve and fifteen of the Factory Act, 1874, shall apply to the employment and education of all children employed in factories subject to the Factory Acts, 1833 to 1871, and not subject to the Factory Act, 1874, or in workshops subject to the Workshop Acts, 1867 to 1871.

Provided, that section twelve of the Factory Act, 1874, shall not apply to any child so employed who has attained the age of eleven years before the commencement of this Act.

Exception to prohibition of employment of children.

9. A person shall not be deemed to have taken any child into his employment contrary to the provisions of this Act, if it is proved to the satisfaction of the court having cognizance of the case either—

(1.) That during the employment there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That such employment, by reason of being during the school holidays, or during the hours during which the school is not open, or otherwise, does not interfere with the efficient elementary instruction of such child, and that the child obtains such instruction by regular attendance for full time at a certified efficient school or in some other equally efficient manner; or

(3.) That the employment is exempted by the notice of the local authority herein-after next mentioned; (that is to say,)

The local authority may, if it thinks fit, issue a notice exempting from the prohibitions and restrictions of this

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Act the employment of children above the age of eight years, for the necessary operations of husbandry and the ingathering of crops, for the period to be named in such notice: Provided that the period or periods so named by any such local authority shall not exceed in the whole six weeks between the first day of January and the thirty-first day of December in any year.

The local authority shall cause a copy of every notice so issued to be sent to the Education Department and to the overseers of every parish within its jurisdiction, and the overseers shall cause such notice to be affixed to the door of all churches and chapels in the parish, and the local authority may further advertise any such notice in such manner (if any) as it may think fit.

Payment of school fees for poor parents.

10. The parent, not being a pauper, of any child who is unable by reason of poverty to pay the ordinary fee for such child at a public elementary school, or any part of such fee, may apply to the guardians having jurisdiction in the parish in which he resides; and it shall be the duty of such guardians, if satisfied of such inability, to pay the said fee, not exceeding threepence a week, or such part thereof as he is, in the opinion of the guardians, so unable to pay.

The parent shall not by reason of any payment made under this section be deprived of any franchise, right, or privilege, or be subject to any disability or disqualification.

Payment under this section shall not be made on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends, or does not attend any particular public elementary school.

The twenty-fifth section of the Elementary Education Act, 1870, is hereby repealed.

Provision as to order of court for attendance at school of child habitually neglected by parent or habitually wandering and consorting with criminals or disorderly persons.

11. If either—

(1.) The parent of any child above the age of five years who is under this Act prohibited from being taken into full time employment, habitually and without reasonable excuse neglects to provide efficient elementary instruction for his child; or

(2.) Any child is found habitually wandering or not under proper control, or in the company of rogues, vagabonds, disorderly persons, or reputed criminals;

it shall be the duty of the local authority, after due warning to the parent of such child, to complain to a court of summary

jurisdiction, and such court may, if satisfied of the truth of such complaint, order that the child do attend some certified efficient school willing to receive him and named in the order, being either such as the parent may select, or, if he do not select any, then such public elementary school as the court think expedient, and the child shall attend that school every time that the school is open, or in such other regular manner as is specified in the order.

An order under this section is in this Act referred to as an attendance order.

Any of the following reasons shall be a reasonable excuse:

(1.) That there is not within two miles, measured according to the nearest road, from the residence of such child any public elementary school open which the child can attend; or

(2.) That the absence of the child from school has been caused by sickness or any unavoidable cause.

Proceedings on disobedience to order of court for attendance at school.

12. Where an attendance order is not complied with, without any reasonable excuse within the meaning of this Act, a court of summary jurisdiction, on complaint made by the local authority, may, if it think fit, order as follows:

(1.) In the first case of non-compliance, if the parent of the child does not appear, or appears and fails to satisfy the court that he has used all reasonable efforts to enforce compliance with the order, the court may impose a penalty not exceeding with the costs five shillings; but if the parent satisfies the court that he has used all reasonable efforts as aforesaid, the court may, without inflicting a penalty, order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child, then to a certified industrial school; and

(2.) In the second or any subsequent case of non-compliance with the order, the court may order the child to be sent to a certified day industrial school, or if it appears to the court that there is no such school suitable for the child then to a certified industrial school, and may further in its discretion inflict any such penalty as aforesaid, or it may for each such non-compliance inflict any such penalty as aforesaid without ordering the child to be sent to an industrial school;

Provided that a complaint under this section with respect to a continuing non-compliance with any attendance order shall not be repeated by the local authority at any less interval than two weeks.

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29 & 30 Vict. c. 118.

A child shall be sent to a certified industrial school or certified day industrial school in pursuance of this section in like manner as if sent in pursuance of the Industrial Schools Act, 1866, and when so sent shall be deemed to have been sent in pursuance of that Act and the Acts amending the same; and the parent, if liable under the said Acts to contribute to the maintenance and training of his child when sent to an industrial school, shall be liable so to contribute when his child is sent in pursuance of this section.

Duty of local authority as to taking proceedings under this Act or 29 & 30 Vict. c. 118.

13. Where the local authority are informed by any person of any child in their jurisdiction who is stated by that person to be liable to be ordered by a court under this Act to attend school, or to be sent under this Act, or the Industrial Schools Act, 1866, to an industrial school, it shall be the duty of the local authority to take proceedings under this Act or the Industrial Schools Act, 1866, accordingly, unless the local authority think that it is inexpedient to take such proceedings.

Provided that nothing in this section shall relieve the local authority from the responsibility of performing their duty under the other provisions of this Act.

Industrial School.

License to child sent to industrial school to live out while attending school.

14. Where a child is sent to a certified industrial school under this Act or the Industrial Schools Act, 1866, upon the complaint or representation of the local authority under this Act, the managers of such school may, if they think fit, at any time after the expiration of one month after the child is so sent give him a license under section twenty-seven of the Industrial Schools Act, 1866, to live out of the school, but the license shall be conditional upon the child attending as a day scholar, in such regular manner as is specified in the license, some school willing to receive him and named in the license, and being a certified efficient school.

Amendment as to provision of industrial school by school board.

15. The consent of one of Her Majesty's Principal Secretaries of State, and not of the Education Department, shall be required for the establishing, building, and maintaining of a certified industrial or certified day industrial school by a school board, and to the spreading of the payment of the expense of such establishment and building over a number of years not exceeding fifty, and to the borrowing of money for that purpose; and for the purpose of such borrowing section ten of the Elementary Education Act, 1873, shall be held to apply to the loan in like manner as if one of Her Majesty's Principal Secretaries of State were substituted therein

for the Education Department, and such establishment and building shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the first schedule to the Public Works Loans Act, 1875.

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Day Industrial School.

Establishment, &c. of day industrial schools.

16. If a Secretary of State is satisfied that, owing to the circumstances of any class of population in any school district, a school in which industrial training, elementary education, and one or more meals a day, but not lodging, are provided for the children, is necessary or expedient for the proper training and control of the children of such class, he may, in like manner as under The Industrial Schools Act, 1866, certify any such school (in this Act referred to as a day industrial school) in the neighbourhood of the said population to be a certified day industrial school.

Any child authorised by The Industrial Schools Act, 1866, to be sent to a certified industrial school, may, if the court before whom the child is brought think it expedient, be sent to a certified day industrial school; any child sent to a certified day industrial school by an order of a court (other than an attendance order under this Act) may during the period specified in the order be there detained during such hours as may be authorised by the rules of the school approved by the said Secretary of State.

A certified day industrial school shall be deemed to be a certified efficient school within the meaning of this Act.

In the case of a certified day industrial school,—

(1.) A prison authority within the meaning of The Industrial Schools Act, 1866, and a school board shall respectively have the same powers in relation to a certified day industrial school as they have in relation to a certified industrial school; and

(2.) There may be contributed out of moneys provided by Parliament towards the custody, industrial training, elementary education, and meals of children sent by an order of a court other than an attendance order under this Act to a certified day industrial school such sums not exceeding one shilling per head per week, and on such conditions as a Secretary of State from time to time recommends; and

(3.) Where a court of summary jurisdiction orders otherwise than by an attendance order under this Act a child to be sent to a certified day industrial school, the court shall

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also order the parent of such child, if liable to maintain him, to contribute to his industrial training, elementary education, and meals in the school such sum not exceeding two shillings per week as is named in the order; it shall be the duty of the local authority to obtain and enforce the said order, and every sum paid under the order shall be paid over to the local authority in aid of their expenses under this Act; if a parent resident in any parish is unable to pay the sum required by the said order to be paid, he shall apply to the guardians having jurisdiction in the parish, who, if satisfied of such inability, shall give the parent sufficient relief to pay the said sum, or so much thereof as they consider him unable to pay, and the money so given shall be charged to the Parish as provided by this Act in the case of money given for the payment of school fees; and

(4.) The managers of a certified day industrial school may, upon the request of a local authority and of the parent of a child, and upon the undertaking of the parent to pay towards the industrial training, elementary education, and meals of such child such sum, not less than one shilling a week, as a Secretary of State from time to time fixes, receive such child into the school under an attendance order or without an order of a court; and there may be contributed out of moneys provided by Parliament in respect of that child such sum, not exceeding sixpence a week and on such conditions as a Secretary of State from time to time recommends.

It shall be lawful for Her Majesty from time to time, by Order in Council, to apply to a certified day industrial school the provisions of The Industrial Schools Act, 1866, and the Acts amending the same, with such modifications as appear to Her Majesty to be necessary or proper for adapting such provisions to a day industrial school, and bringing them into conformity with this Act; and such Order may provide that a child may be punished for an offence by being sent to a certified industrial in lieu of a certified reformatory school, or may otherwise mitigate any punishment imposed by the said Act.

It shall be lawful for Her Majesty from time to time, by Order in Council, to revoke and vary any Order in Council made under this section.

Every such Order shall be laid before both Houses of Parliament within one month after it is made if Parliament be then sitting, or

if not, within one month after the beginning of the then next session of Parliament, and while in force shall have effect as if it were enacted in this Act.

A Secretary of State may from time to time make, and when made revoke and vary, the forms of orders for sending a child to a day industrial school, and the manner in which children are to be sent to such school.

If a Secretary of State is of opinion that, by reason of a change of circumstances or otherwise, a certified day industrial school ceases to be necessary or expedient for the proper training and control of the children of any class of population in the neighbourhood of that school, he may, after due notice, withdraw the certificate of the school, and thereupon such school shall cease to be a certified day industrial school.

Provided, that the reasons for withdrawing such certificate shall be laid before both Houses of Parliament within one month after notice of the withdrawal is given, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Conditions of contribution to day industrial schools.

17. The conditions of a parliamentary contribution to a certified day industrial school, to be recommended by the Secretary of State, shall provide for the examination of the children according to the standards of proficiency for the time being in force for the purposes of a parliamentary grant to public elementary schools; but may vary the amounts of the contributions to be made in respect of such standards respectively.

Any conditions recommended by a Secretary of State for the purposes of contributions to a day industrial school shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

Parliamentary Grant.

Contribution for fees of children who obtain certificates.

18. Where, during the first five years after the commencement of this Act, or any further period which Her Majesty may from time to time fix by Order in Council, a child, before he has attained the age of eleven years, obtains such certificate of proficiency in reading, writing, and elementary arithmetic, and also such certificate of previous due attendance at a public elementary school, as are in this Act in that behalf mentioned, then, subject to the regulations and conditions contained in an order of the Education Department for the time being in force under the First Schedule to this Act, the school fee payable by such child at any public elementary school in the course of the three years next after he

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obtains the last of such certificates, not exceeding the ordinary fee charged at such school, may be paid by the Education Department out of moneys provided by Parliament, the school fees so paid to be reckoned as school pence to be met by the grant payable by the Department.

Amendment of 33 & 34 Vict. c. 75. s. 97, as to conditions of annual parliamentary grant.

19. So much of section ninety-seven of "The Elementary Education Act, 1870," as enacts that the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that the grant shall not for any year exceed the income of the school for that year which was derived from voluntary contributions and from school fees, and from any sources other than the parliamentary grant, shall be repealed as from the thirty-first day of March one thousand eight hundred and seventy-seven.

After the thirty-first day of March one thousand eight hundred and seventy-seven the conditions required to be fulfilled by an elementary school in order to obtain the annual parliamentary grant shall provide that—

(1.) Such grant shall not in any year be reduced by reason of its excess above the income of the school if the grant do not exceed the amount of seventeen shillings and sixpence per child in average attendance at the school during that year, but shall not exceed that amount per child, except by the same sum by which the income of the school, derived from voluntary contributions, rates, school fees, endowments, and any source whatever other than the parliamentary grant exceeds the said amount per child; and

(2.) Where the population of the school district in which the school is situate, or the population within two miles, measured according to the nearest road, from the school is less than three hundred, and there is no other public elementary school recognised by the Education Department as available for the children of that district, or that population (as the case may be), a special parliamentary grant may be made annually to that school to the amount, if the said population exceeds two hundred, of ten pounds, and, if it does not exceed two hundred, of fifteen pounds; and

(3.) The said special grant shall be in addition to the ordinary annual parliamentary grant, and shall not be included in the calculation of that grant for the purpose of determining whether it does or not exceed the amount before in this section mentioned.

20. The conditions required to be fulfilled by schools in order to obtain annual parliamentary grants shall provide that the income of the schools shall be applied only for the purpose of public elementary schools.

Conditions for obtaining parliamentary grant.

Byelaws.

21. In a school district not within the jurisdiction of a school board, if it is a borough the school attendance committee may if they think fit, and if it is a parish the school attendance committee for the union comprising such parish on the requisition of the parish, but not otherwise, shall make byelaws respecting the attendance of children at school under section seventy-four of the Elementary Education Act, 1870, as if such school attendance committee were a school board.

School attendance committee to have like powers with school boards of enforcing by byelaw attendance of children.

22. The requisition of a parish to a school attendance committee for the purposes of this Act, if made, shall be made by a resolution passed by the same persons, and in the same manner, and subject to the same regulations of the Education Department, as a resolution for an application to the Education Department for a school board, and the expenses incurred with reference to such resolution may be paid in like manner.

Provision as to requisition of parish.

The requisition may be accompanied by representations, made by a resolution passed in like manner, as to the nature of the byelaws desired by the parish, and in making and approving the byelaws the school attendance committee and the Education Department shall consider and have due regard to such representations.

23. For the purposes of this Act section seventy-four of the Elementary Education Act, 1870, and all enactments of that or any other Act referring to byelaws under that section, shall be construed as if "school board" included the authority authorised by this Act to make byelaws:

Provision as to byelaws under s. 74 of the Elementary Education Act, 1870 (33 & 34 Vict. c. 75.) as extended by this Act.

Provided that nothing in any byelaw shall authorise the authority making the same in pursuance of this Act to remit or pay any fees.

It shall be the duty of every local authority to enforce the byelaws made by that authority in pursuance of section seventy-four of the Elementary Education Act, 1870.

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Administrative Provisions.

Supplemental provisions as to certificates of proficiency and previous attendance at school.

24. The certificates of proficiency of a child in reading, writing, and elementary arithmetic, and of the previous due attendance of a child at a certified efficient school for the purposes of this Act, shall be certificates of proficiency and previous due attendance ascertained according to the standards set forth in the First Schedule to this Act, and such certificate shall be granted to the child entitled to the same free of cost or charge to such child, or to the parent of such child.

The Education Department may from time to time by order make, and when made, revoke and vary regulations with respect to certificates of age for the purposes of this Act and the persons by whom and the form in which certificates of the said proficiency and due attendance are to be granted, and with respect to other matters relating thereto, and with respect to the preservation of registers and other records of such proficiency and attendance, and such regulations shall be observed by the local authority and the managers of certified efficient schools.

All regulations made by the Education Department under this section shall be laid before Parliament in the same manner as Minutes of the Education Department relating to the annual parliamentary grant.

Certificates of birth for purposes of Act.

25. Where the age of any child is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of such fee, not exceeding one shilling, as the Local Government Board from time to time fix, shall be entitled to obtain a certified copy under the hand of the registrar or superintendent registrar of the entry in the register under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of the child named in the requisition.

Returns of registrars of births and deaths to school boards.

26. Every registrar of births and deaths, when and as required by a local authority, shall transmit, by post or otherwise, a return of such of the particulars registered by him concerning deaths and births of children as may be specified in the requisition of the local authority.

The local authority may supply a form, approved by the Local Government Board, for the purpose of the return, and in that case the return shall be made in the form so supplied.

The local authority may pay, as part of their expenses under this Act, to the registrar making such return such fee as may be agreed upon between them and the registrar, not exceeding twopence for every birth and death entered in such return.

Provision in case of failure of local authority to perform their duty under this Act.

27. If the Education Department are satisfied, after such inquiry and such notice to any local authority as they think expedient, that such authority have failed to fulfil their duty under this Act, the Education Department (without prejudice to any other remedy)—

(*a.*) If the authority are a school board, may proceed as if such board were a school board in default within the meaning of the Elementary Education Act, 1870; and

(*b.*) If the authority are not a school board, may by order appoint any persons for a specified period not exceeding two years to perform the duty of the defaulting school attendance committee under this Act, and from time to time change such persons.

During the said specified period the persons so appointed shall perform the duty of the defaulting school attendance committee under this Act, to the exclusion of that committee, and shall in the performance and for the purposes of such duty be invested with all the powers of the school attendance committee, but shall not be subject to any control on the part of the council or guardians who appointed the defaulting committee; but after the expiration of such period a school attendance committee shall forthwith be appointed by the council or guardians as the case may require, and shall resume the duty of the local authority under this Act, subject nevertheless to any further proceeding under this section in the case of a new default.

All expenses incurred by persons appointed under this section by the Education Department to act in lieu of a defaulting school attendance committee, including such remuneration, if any, as the Education Department may assign to such persons, shall, to the amount certified by the Education Department to be due, be a debt to Her Majesty from the council or guardians by whom the defaulting committee were appointed, and may be recovered accordingly; and the certificate of the Education Department shall be conclusive evidence that the sum named in the certificate is due under this section.

The Education Department shall annually report to Parliament the cases in which any proceedings have been taken by them in pursuance of this section.

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Officers of local authority.

28. Every local authority, but subject in the case of a school attendance committee to the approval herein-after mentioned, shall direct one or more of their officers, or the officers of the council or guardians by whom the committee are appointed, to act in the execution of this Act, and of any byelaws in force within the jurisdiction of such authority, and may, if they think fit, pay him or them for so doing, and may, if need be, appoint and pay officers for the purpose.

Power of officer of local authority to enter place of employment.

29. If it appear to any justice of the peace, on the complaint of an officer of the local authority acting under this Act, that there is reasonable cause to believe that a child is employed in contravention of this Act in any place, whether a building or not, such justice may by order under his hand empower an officer of the local authority to enter such place at any reasonable time within forty-eight hours from the date of the order, and examine such place and any person found therein touching the employment of any child therein.

Any person refusing admission to an officer authorised by an order under this section, or obstructing him in the discharge of his duty, shall for each offence be liable on summary conviction to a penalty not exceeding twenty pounds.

Provision as to powers and expenses of school board.

30. The powers and expenses of a school board under this Act shall be deemed to be powers and expenses of that board under the Elementary Education Act, 1870, and the provisions of that Act and any Act amending the same shall apply thereto accordingly.

Expenses of local authority other than school board.

31. A school attendance committee under this Act shall not incur any expense, or appoint, employ, or pay any officer without the consent of the council or guardians by whom the committee were appointed, and where they are appointed by guardians, also of the Local Government Board, but with such consent may employ and pay any officer of such council or guardians. The expenses (if any) of a school attendance committee under this Act shall be paid,—

(1.) Where the committee is appointed by a council, out of the borough fund or borough rate; and,

(2.) Where the committee is appointed by a board of guardians, out of a fund to be raised out of the poor rate of the parishes in which the committee act for the purposes of this Act, according to the rateable value of each parish:

For the purpose of obtaining payment of such expenses, the board of guardians shall have the same powers as they have for the

purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor.

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Provisions as to school attendance committee and appointment of local committee.

32. Subject to the provisions of this Act the council or guardians may from time to time add to or diminish the number of members of a school attendance committee appointed by them.

A school attendance committee appointed by guardians shall act for every parish in the union which is not for the time being under any other local authority within the meaning of this Act.

A school attendance committee may, if they think fit, appoint different local committees for different parishes or other areas in their district for the purpose of giving the school attendance committee such aid and information in the execution of this Act as may be required by the committee appointing them, but any such local committee shall not have power to make any byelaws or take any proceeding before a court of summary jurisdiction under this Act.

A local committee may consist of not less than three persons, being, as the school attendance committee appointing them think fit, either wholly members of the council, guardians, or authority by whom that school attendance committee were appointed, or partly such members and partly other persons.

The provisions contained in the Second Schedule to this Act shall apply to every school attendance committee and local committee appointed under this Act.

Power to authorise appointment of school attendance committee by urban sanitary authority.

33. On the application of the urban sanitary authority of an urban sanitary district which is not and does not comprise a borough, and which is co-extensive with any parish or parishes not within the jurisdiction of a school board, containing according to the last published census for the time being a population of not less than five thousand, the Education Department may by order authorise the sanitary authority of that district to appoint, and thereupon such authority may appoint, a school attendance committee as if they were the council of a borough, and that committee, to the exclusion of the school attendance committee appointed by the guardians, shall enforce the provisions of this Act in the sanitary district, and be in that district the local authority for the purposes of this Act, and all the provisions of this Act shall apply accordingly as if the sanitary authority were the council of a borough.

Provided, that the expenses (if any) of a school attendance committee appointed by an urban sanitary authority shall be paid out of a fund to be raised out of the poor rate of the parish or parishes

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comprised in the district of such authority, according to the rateable value of each parish, and the urban sanitary authority shall, for the purpose of obtaining payment of such expenses, have the same power as a board of guardians have for the purpose of obtaining contributions to their common fund under the Acts relating to the relief of the poor, and the accounts of such expenses shall be audited as the accounts of other expenses of the sanitary authority.

Any byelaws in force in an urban sanitary district, or any part thereof, before the appointment of a school attendance committee by the sanitary authority of such district shall continue in force, subject nevertheless to be revoked or altered by the school attendance committee of the sanitary authority in pursuance of section seventy-four of "The Elementary Education Act, 1870," as amended by this Act.

Where an urban sanitary district is not and does not comprise a borough, and is not wholly within the jurisdiction of a school board, and is not within the foregoing provisions of this section, the urban sanitary authority of that district may from time to time appoint such number as the Education Department allow, not exceeding three, of their own members to be members of the school attendance committee for the union in which the district or the part thereof not within the jurisdiction of a school board is situate, and such members, so long as they are members of the sanitary authority, and their appointment is not revoked by that authority, shall be members of the school attendance committee, and have the same powers and authorities as if they had been appointed by the guardians.

Where a school board is appointed after the commencement of this Act for any parish which forms or comprises the whole or part of an urban sanitary district in which the school attendance committee is appointed by the urban sanitary authority, such school attendance committee shall, at the expiration of two months after the election of the school board, cease to act for the urban sanitary district, and the school attendance committee appointed by the guardians shall be the local authority for so much of the urban sanitary district as is not under the school board.

All byelaws in force at the expiration of the said two months shall continue in force, subject to being revoked or altered by the local authority, in pursuance of section seventy-four of "The "Elementary Education Act, 1870," as amended by this Act.

Clerk of school attendance committee of guardians, and applica-

34. In a union the clerk of the guardians shall be the clerk of the school attendance committee for the purposes of this Act.

All enactments relating to guardians and their officers and expenses, and to relief given by guardians, shall, subject to the

express provisions of this Act, apply as if the guardians, including the school attendance committee appointed by them, and their officers acting under this Act, and expenses incurred, and money paid for school fees and relief given under this Act, were respectively acting, incurred, and paid and given as relief, under the Acts relating to the relief of the poor, and the Local Government Board may make rules, orders, and regulations accordingly.

tion of Acts to guardians and school attendance committee.

Any expenses incurred by officers of guardians in carrying into effect section twenty of "The Elementary Education Act, 1873," when paid by such guardians, may be charged by them to the parish in respect of which such expenses are incurred.

35. Money given under this Act for the payment of school fees for any child of a parent who is not a pauper and is resident in any parish shall be charged by the guardians having jurisdiction in such parish to that parish with other parochial charges.

Charge to parish of money for school fees.

36. Where a school board is appointed after the commencement of this Act for any school district the authority acting at the time of such appointment as the local authority under this Act shall continue so to act until the expiration of two months after the election of such board, and shall then cease so to act for such district; nevertheless, all byelaws previously made by the local authority shall continue in force, subject to being revoked or altered in respect of that district by the school board in pursuance of section seventy-four of the Elementary Education Act, 1870.

Effect of subsequent appointment of school board.

Legal Proceedings.

37. Sections twenty-three, twenty-four, and twenty-five of the Elementary Education Act, 1873 (which provisions relate to legal proceedings, and the forgery of certificates), shall so far as applicable apply in the case of offences and penalties under this Act, and proceedings for such offences and penalties and of certificates for the purposes of this Act, in like manner as if those sections were enacted in this Act and in terms made applicable thereto.

Application of 36 & 37 Vict. c. 86. ss. 23-5, to penalties, and punishment for fraudulently obtaining payment of fees.

And every person who shall fraudulently obtain or enable or procure any other person to obtain from any school board or local authority payment, or remission of payment, or an order for payment, or remission of payment of any school fees, shall be liable on summary conviction to imprisonment for a period not exceeding fourteen days.

An order which a court of summary jurisdiction have authority to make in pursuance of this Act may be made in manner provided by the Summary Jurisdiction Acts.

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No prosecutions except with the authority of two members of a school board or local authority.

38. No legal proceedings for non-attendance or irregular attendance at school shall be commenced in a court of summary jurisdiction, by any person appointed to carry out the compulsory bye laws of a school board or local authority, except by the direction of not less than two members of a school board or school attendance committee.

Exemption of employer on proof of guilt of some other person.

39. Where the offence of taking a child into employment in contravention of this Act is in fact committed by an agent or workman of the employer, such agent or workman shall be liable to a penalty as if he were the employer.

Where a child is taken into employment in contravention of this Act on the production by or with the privity of the parent of a false or forged certificate, or on the false representation of his parent that the child is of an age at which such employment is not in contravention of this Act, that parent shall be liable to a penalty not exceeding forty shillings.

Where an employer charged with taking a child into his employment in contravention of this Act proves that he has used due diligence to enforce the observance of this Act, and either that some agent or workman of his employed the child without his knowledge or consent, or that the child was employed either on the production of a forged or false certificate and under the belief in good faith in the genuineness and truth of such certificate, or on the representation by his parent that the child was of an age at which his employment would not be in contravention of this Act and under the belief in good faith in such representation, the employer shall be exempt from any penalty.

Where an employer satisfies the local authority, inspector, or other person about to institute a prosecution that he is exempt under this section by reason of some agent, workman, or parent being guilty, and gives all facilities in his power for proceeding against and convicting such agent, workman, or parent, such authority, inspector, or person shall institute proceedings against such agent, workman, or parent, and not against the employer.

Miscellaneous.

Adaptation of 36 & 37 Vict. c. 86. s. 3. respecting pauper children to this Act.

40. Whereas by section three of the Elementary Education Act, 1873, provision is made respecting the payment by guardians of the fees of pauper children, and with the view to adapt the said section to the provisions of this Act it is expedient to substitute for

the said section the enactment following: Be it therefore enacted as follows: A.D. 1876.

Where relief out of the workhouse is given by the guardians or their order, by way of weekly or other continuing allowance to the parent of any child above the age of five years who has not reached the standard in reading, writing, and arithmetic, prescribed by standard three of the code of one thousand eight hundred and seventy-six, or who for the time being either is prohibited by this Act from being taken into full time employment, or is required by any byelaw under section seventy-four of the Elementary Education Act, 1870, as amended by this Act, to attend school, or to any such child, it shall be a condition for the continuance of such relief that elementary education in reading, writing, and arithmetic shall be provided for such child, and the guardians shall give such further relief (if any) as may be necessary for that purpose.

Any such relief to a parent as above mentioned shall not be granted on condition of the child attending any public elementary school other than such as may be selected by the parent, nor refused because the child attends or does not attend any particular public elementary school.

The guardians shall not have power under this section to give any relief to a parent in order to enable such parent to pay more than the ordinary fee payable at the school which he selects, or more than the fee which under this Act they can enable a parent to pay in any other case.

All relief given by guardians under this section shall be deemed to be relief within the meaning of the Acts relating to the relief of the poor, and shall be paid out of their common fund, and where given by the guardians of any union in the metropolis as defined by the Metropolitan Poor Act, 1867, shall be deemed to be expenses payable from the Metropolitan Common Poor Fund within the meaning of section sixty-nine of that Act, and shall be repaid to such guardians accordingly.

Dissolution of school board under certain circumstances.

41. Where application for the dissolution of a school board is made to the Education Department by the like persons and in the like manner as an application for the formation of a school board, under section twelve of The Elementary Education Act, 1870, nevertheless by a majority of not less than two thirds of those who shall vote upon the occasion, and the Education Department are satisfied that no school and no site for a school is in the possession or under the control of the school board, and that there is a

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sufficient amount of public school accommodation for the district of the school board, and no requisition has been sent by the Education Department to such school board under section ten of The Elementary Education Act, 1870, requiring them to supply public school accommodation, it shall be the duty of the Education Department to take the circumstances of the case into consideration, and if they shall be of opinion that the maintenance of a school board is not required for the purposes of education in the district, it shall be lawful for the Education Department, after such notice as they think sufficient, to order the dissolution of the school board: Provided always, that no application shall be made for the dissolution of a school board except within six months before the expiration of the period for which the school board has been elected, and no order for the dissolution of such school board shall take effect until after the expiration of such period, except that after the order is made an election of members of that board shall not be held.

The Education Department by any such order shall make provision for the disposal of all money, furniture, books, documents, and property belonging to the school board, and for the discharge out of the local rate of all the liabilities of the board, and such other provisions as appear to the Department necessary or proper for carrying into effect the dissolution of the board.

The Education Department shall publish the order in manner directed by The Elementary Education Act, 1873, with respect to the publication of notices, and after the date of such publication, or any later date mentioned in the order, the order shall have effect as if it were enacted by Parliament, without prejudice nevertheless to the subsequent formation of a school board in the same school district; all byelaws previously made by the school board shall continue in force, subject nevertheless to be revoked or altered by the local authority under this Act: Provided, that if after the dissolution of a school board in any school district the Education Department are of opinion that there is not a sufficient amount of public school accommodation in such school district, they may after due notice cause a school board to be formed for such school district, and send a requisition to such school board in the same manner in all respects as if they had published a final notice under The Elementary Education Act, 1870.

The Education Department shall in each case where it shall assent to the dissolution of a school board lay before both Houses of Parliament a statement of its reasons for giving such assent.

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Provision of offices by school board with consent of Education Department.

42. Where a school board satisfy the Education Department that, having regard to the large population of the district of such board, it is necessary or proper that the board should provide an office, the Education Department may authorise the board to provide an office, and the board shall for that purpose have the same power as they have under the Elementary Education Acts, 1870 to 1873, for the purpose of providing sufficient school accommodation for their district, including the power of borrowing money under section ten of the Elementary Education Act, 1873, and the provision of such office shall be deemed to be a work for which a school board is authorised to borrow within the meaning of the Public Works Loans Act, 1875.

Local authority to send returns.

43. The local authority under this Act (although not a school board) shall send to the Education Department such returns and information respecting their proceedings under this Act, and respecting matters on which school boards can be required under "The Elementary Education Act, 1870," to make returns, as the Education Department from time to time require.

Amendment of 33 & 34 Vict. c. 75. as to elections to fill casual vacancies in school board.

44. From and after the passing of this Act the Elementary Education Act, 1870, shall be construed as if there were substituted for the rule numbered fifteen in the first part of the Second Schedule to that Act, which is repealed by this Act, the rule in the Third Schedule to this Act; and any reference to the said Second Schedule or the first part thereof shall be construed to refer to the same with the rule so substituted, but the said substitution shall not affect anything done before the passing of this Act.

Application of 33 & 34 Vict. c. 75. ss. 83. 84, to orders and documents of Education Department.

45. The provisions of the Elementary Education Act, 1870, with respect to orders and documents of the Education Department, shall apply to all orders and documents of the Education Department under this Act.

Effect of schedules.

46. The schedules to this Act shall have effect as if they were enacted in the body of this Act.

Definition of employment in case of parent.

47. A parent of a child who employs such child in any labour exercised by way of trade or for the purposes of gain, shall be deemed for the purposes of this Act to take such child into his employment.

General definitions.

48. A child in this Act means a child between the ages of five and fourteen years.

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Terms in this Act shall, so far as is consistent with the tenor thereof, have the same meaning as in The Elementary Education Acts, 1870 and 1873.

The term "certified efficient school" in this Act means a public elementary school, and any workhouse school certified to be efficient by the Local Government Board, and any public or state-aided elementary school in Scotland, and any national school in Ireland, and also any elementary school which is not conducted for private profit, and is open at all reasonable times to the inspection of Her Majesty's Inspectors, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school.

The term "Factory Acts" in this Act, where the Factory Act of any particular year is not referred to, means the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and any Acts for the time being in force regulating factories and workshops.

The term "Secretary of State" means one of Her Majesty's Principal Secretaries of State.

Provision as to part of a parish.

49. A part of a parish which by or in pursuance of The Elementary Education Acts, 1870 and 1873, is constituted a separate school district shall be deemed to be a separate school district, and so far as necessary a separate parish by itself for the purposes of this Act, and the provisions of those Acts respecting such part of a parish shall apply, and for the purposes of those Acts and this Act the overseers of the entire parish shall be deemed to be the overseers of such part of a parish, and a rate in the nature of a poor rate may be levied therein by such overseers either as a separate rate or as an addition to the poor rate, and shall be deemed to be the local rate; and the guardians shall for the purposes of this Act have the like power of obtaining payment of a contribution from the said part of a parish as they have of obtaining a contribution from the whole parish.

Construction of this Act with other enactments.

50. Where any act, neglect, or default is punishable under this Act and also under any other enactment, or any byelaw made by a school board or other local authority for the time being in force, proceedings may be instituted in respect of such act, neglect, or default under this Act or such other enactment or byelaw, in the discretion of the authority or person instituting the proceedings, so that proceedings under one enactment or byelaw only be instituted

in respect of the same act, neglect, or default; and any byelaw made either before or after the commencement of this Act, by any school board or other local authority under section seventy-four of the Elementary Education Act, 1870, if otherwise valid, shall not be rendered invalid by reason that it is more stringent than the provisions of this Act; and nothing in this Act shall prejudice the effect of or derogate from any provision relating to the committal of children to industrial schools or the employment of children contained in any previous Act of Parliament which may be more stringent in its provisions than this Act.

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Temporary modification as to application of Act, and saving for children in employment at passing of Act.

51. The provisions of this Act with respect to taking children into employment,

(1.) Shall, during twelve months after the commencement of this Act apply to children of the age of nine years and upwards as if they were of the age of ten years and upwards; and

(2.) Shall not apply to any child who has attained the age of eleven years before the commencement of this Act.

A child lawfully employed at the passing of this Act may continue to be employed or may obtain fresh employment at another place in like manner as if this Act had not passed.

Repeal of Acts.

52. The Acts mentioned in the Fourth Schedule to this Act are hereby repealed as from the commencement of this Act, to the extent in the third column of that schedule mentioned.

The repeal of any enactment by this Act shall not affect anything previously done or suffered in pursuance of that enactment, and every offence against that enactment may be prosecuted, and any penalty thereunder recovered, and any remedy or legal proceeding for anything done in pursuance of that enactment may be had and carried on in like manner as if this Act had not passed.

Part II.

Application of the Act to Scotland.

53. In the application of this Act to Scotland the following provision shall have effect:

The provisions of this Act with respect to the conditions to be fulfilled by schools in order to obtain an annual parliamentary grant shall apply to Scotland.

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SCHEDULES.

FIRST SCHEDULE.

STANDARDS OF PROFICIENCY IN READING, WRITING, AND ELEMENTARY ARITHMETIC AND PREVIOUS DUE ATTENDANCE AT SCHOOL.

For the purpose of Employment.

(1.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act enabling a child to be employed shall be—

(*a.*) The standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876, or any higher standard.

(2.) The standard of previous due attendance at a certified efficient school for the purpose of a certificate under this Act enabling a child to be employed shall be two hundred and fifty attendances after five years of age in not more than two schools during each year for five years, whether consecutive or not:

(3.) During the four years next after the commencement of this Act the standards for the purpose of enabling a child to be employed shall, instead of the foregoing standards, be those shown in the following table:

During the Year	The Standard of Proficiency shall be the Standard of Reading, Writing, and Arithmetic, fixed by the following Standard of the Code of 1876, or any higher standard, namely,—	The Standard of previous due Attendance shall be	
		The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years, whether consecutive or not.
1877	Second - -	250	Two.
1878	Second - -	250	Two.
1879	Third - -	250	Three.
1880	Third - -	250	Four.

Provided that—

(*a.*) In the case of a school district in which for not less than three years before the commencement of this Act byelaws have been in force requiring, as a condition of total or partial exemption of a child from attendance at school, that such child must have passed a standard of proficiency

corresponding to the fourth standard of the Code of 1876 or any higher standard, the same or a corresponding standard of proficiency (but not exceeding the standard which, under this schedule, will be required after four years from the commencement of this Act) shall be required for the purpose of a certificate under this Act enabling a child to be employed.

(*b.*) Where a child has been lawfully taken into employment in any year in consequence of having obtained a certificate in accordance with the above table, such child may in any subsequent year be taken into employment without any further certificate, notwithstanding that under the table a certificate requiring a higher standard is required for that year.

For the purpose of the Payment of Fees.

(4.) The standard of proficiency in reading, writing, and elementary arithmetic for the purpose of a certificate under this Act, with a view to allow of the payment of fees by the Education Department, shall be the standard of reading, writing, and elementary arithmetic fixed by standard four of the Code of 1876 or such higher standard as may be from time to time fixed by the Education Department, and shall include any standard higher than the one fixed by this rule, or than the one for the time being fixed by the Education Department:

(5.) The standard of previous due attendance at a public elementary school for the purpose of a certificate under this Act with a view to allow of the payment of fees by the Education Department, shall be three hundred and fifty attendances after five years of age in not more than two schools during each year for five years, or such larger number of attendances as may be for the time being fixed by the Education Department:

(6.) Provided that in each of the four years next after the commencement of this Act the standard of previous due attendance shall, in lieu of the foregoing standard, be that shown in the following table:

During the Year	The Standard of previous due Attendance shall be	
	The following Number of Attendances.	In not more than Two Schools during each year for the following Number of Years.
1877	350	Two.
1878	350	Two.
1879	350	Three.
1880	350	Four.

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(7.) The Education Department may from time to time by order make, and when made revoke and vary, such regulations and conditions in relation to the payment of fees under this Act by that Department as they may think expedient.

(8.) The order shall provide that not more than ten per cent. of the children presented for examination in a public elementary school shall obtain in the same year certificates entitling them to the payment of fees, and that if the children qualified to obtain such certificates exceed the said per-centage, those children who have attended the greatest number of times shall have the preference.

(9.) The order may make the continuance of the payment dependent upon the fulfilment of conditions, and shall provide that the continuance of the payment shall be conditional upon the child attending the school for not less than three hundred and fifty attendances in each year, and obtaining at the end of each year a certificate of proficiency in reading, writing, and elementary arithmetic according to a standard higher than the standard according to which it obtained the previous certificate.

(10.) The order shall further provide that the school, by previous due attendance at which the child was qualified for obtaining the payment of fees, and the school, the fees at which are paid by the Education Department, shall be a school, or department of a school, at which the ordinary payment in respect of the instruction of each scholar does not exceed sixpence a week.

Miscellaneous.

(11.) Attendance for the purpose of this schedule means an attendance as defined by the Code of 1876, and where the attendance is at a certified day industrial school includes such attendance as may be from time to time directed for the purpose by a Secretary of State, and where the attendance is at a workhouse school includes such attendance as may be from time to time directed for the purpose by the Local Government Board.

(12.) The Code of 1876 in this schedule means the Code of the Minutes of the Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to public elementary schools in England, and in the case of a school in Scotland means the Code of the Minutes of the Scotch Education Department made in the year one thousand eight hundred and seventy-six with respect to the parliamentary grant to elementary schools.

SECOND SCHEDULE.

RULES AS TO A LOCAL COMMITTEE.

(1.) Subject to the provisions of this Act, the school attendance committee may from time to time add to or diminish the number of members, or change the members of any local committee appointed by them, or may dissolve any such committee.

(2.) A local committee shall, unless the school attendance committee appointing them otherwise direct, continue in office until the first meeting of that committee after the next annual appointment thereof, and thereafter until a new local committee is appointed.

RULES AS TO SCHOOL ATTENDANCE COMMITTEE AND LOCAL COMMITTEE.

(3.) Subject to any regulations made in the case of a school attendance committee by the council or guardians appointing it, and in the case of a local committee by the school attendance committee appointing it, the provisions of the Third Schedule of "The Elementary Education Act, 1870," with reference to proceedings of managers appointed by a school board, shall apply to the proceedings of a school attendance committee and a local committee under this Act, as if the body appointing the committee were a school board.

(4.) Any casual vacancy in a school attendance committee or local committee may be filled up by the body who appointed such committee.

(5.) A school attendance committee shall continue in office until the first meeting of the council or guardians appointing it after the next annual election of councillors and guardians, and thereafter until the new committee is appointed.

(6.) A committee appointed by guardians shall be appointed at the first meeting after the annual election of guardians, or some other meeting fixed with the approval of the Local Government Board for the purpose.

THIRD SCHEDULE.

RULE AS TO ELECTION OF SCHOOL BOARD.

If any casual vacancy in the office of a member of a school board occurs by death, resignation, disqualification, or otherwise, such vacancy may be filled by the remaining members of the school board, if a quorum, at a special meeting of the board called for the purpose.

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FOURTH SCHEDULE.

ACTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867.	Sections 14 and 15.
33 & 34 Vict. c. 75. -	The Elementary Education Act, 1870.	Section twenty-five, so much of section seventy-four, and of any byelaw made thereunder, as is affected by the repeal of section twenty-five, and the rule numbered fifteen in the first part of the second schedule, and the rule numbered six in the third part of the second schedule.
36 & 37 Vict. c. 67. -	The Agricultural Children Act, 1873.	The whole Act.
36 & 37 Vict. c. 86. -	The Elementary Education Act, 1873.	Section three.
37 & 38 Vict. c. 88. -	The Births and Deaths Registration Act, 1874.	Section twenty-nine.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1876.

Merchant Shipping.

[39 & 40 Vict. Ch: 80.]

ARRANGEMENT OF CLAUSES.

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Preliminary.

Clause.

1. Short title.
2. Construction of Act.
3. Commencement of Act.

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4. Sending unseaworthy ship to sea a misdemeanor.
5. Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.
6. Power to detain unsafe ships and procedure for such detention.
7. Constitution of court of survey for appeals.
8. Power and procedure of court of survey.
9. Rules for procedure of court of survey, &c.
10. Liability of Board of Trade and shipowner for costs and damages.
11. Power to require from complainant security for costs.
12. Supplemental provisions as to detention of ship.

Foreign Ships, Overloading.

13. Application to foreign ships of provisions as to detention.

Appeal on Refusal of certain Certificates to Ships.

14. Appeal on refusal of certain certificates under Merchant Shipping and Passengers Acts.

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15. Reference in difficult cases to scientific persons.

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17. Colonial certificates for passenger steamers.
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19. Provision as to survey of foreign passenger steamer or emigrant ship.
20. Power to modify Passengers Acts as to food, space, and accommodation in emigrant ships.
21. Provision of signals of distress, inextinguishable lights, and life buoys in passenger steamers and emigrant ships.

Grain Cargoes.

22. Stowage of cargo of grain, &c.

Deck Cargoes.

23. Space occupied by deck cargo to be liable to dues.
24. Penalty for carrying deckloads of timber in winter.

Deck and Load Lines.

25. Marking of deck-lines.
26. Marking of load-line on foreign-going British ships.
27. Marking of load-line in case of coasting vessels.
28. Penalty for offences in relation to marks on ships.

Investigations into Shipping Casualties.

29. Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.
30. Assessors and rules of procedure on formal investigations into shipping casualties.
31. Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104 s. 448.
32. Power to hold inquiries or formal investigations as to stranded and missing ships.
33. Place of investigation.

Miscellaneous.

34. Enforcing detention of ship.
35. Service of order on master, &c.

Clause.

36. Ship's managing owner or manager to be registered. A.D. 1876.
37. Power for Her Majesty by Order in Council to apply certain provisions of Merchant Shipping Acts to foreign ships.
38. Provision as to Order in Council.
39. Fees, salaries, and costs.
40. Legal proceedings in case of offences.
41. Application of Act to Scotland.
42. Application of Act to Ireland.
43. Application of Act to Isle of Man.
44. Saving for colonial inland waters.

Repeal.

45. Repeal of Acts.
SCHEDULE.

CHAPTER 80.

An Act to amend the Merchant Shipping Acts. A.D. 1876.

[15th August 1876.]

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Preliminary.

1. This Act may be cited as the Merchant Shipping Act, 1876. Short title.

2. This Act shall be construed as one with the Merchant Shipping Act, 1854, and the Acts amending the same; and the said Acts and this Act may be cited collectively as the Merchant Shipping Acts, 1854 to 1876. Construction of Act.

3. This Act shall come into operation on the first day of October 1876 (which day is in this Act referred to as the commencement of this Act); nevertheless any Orders in Council and general rules under this Act may be made at any time after the passing of this Act, but shall not come into operation before the commencement of this Act. Commencement of Act.

Unseaworthy Ships.

4. Every person who sends or attempts to send, or is party to sending or attempting to send a British ship to sea in such unseaworthy state that the life of any person is likely to be thereby endangered, shall be guilty of a misdemeanor, unless he proves that he used all reasonable means to insure her being sent to sea in a seaworthy state, or that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness. Sending unseaworthy ship to sea a misdemeanor.

Every master of a British ship who knowingly takes the same to sea in such unseaworthy state that the life of any person is likely to be thereby endangered shall be guilty of a misdemeanor,

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unless he proves that her going to sea in such unseaworthy state was, under the circumstances, reasonable and justifiable, and for the purpose of giving such proof he may give evidence in the same manner as any other witness.

A prosecution under this section shall not be instituted except by or with the consent of the Board of Trade, or of the governor of the British possession in which such prosecution takes place.

A misdemeanor under this section shall not be punishable upon summary conviction.

Obligation of shipowner to crew with respect to use of reasonable efforts to secure seaworthiness.

5. In every contract of service, express or implied, between the owner of a ship and the master or any seaman thereof, and in every instrument of apprenticeship whereby any person is bound to serve as an apprentice on board any ship, there shall be implied, notwithstanding any agreement to the contrary, an obligation on the owner of the ship, that the owner of the ship, and the master, and every agent charged with the loading of the ship, or the preparing thereof for sea, or the sending thereof to sea, shall use all reasonable means to insure the seaworthiness of the ship for the voyage at the time when the voyage commences, and to keep her in a seaworthy condition for the voyage during the same: Provided, that nothing in this section shall subject the owner of a ship to any liability by reason of the ship being sent to sea in an unseaworthy state where, owing to special circumstances, the so sending thereof to sea is reasonable and justifiable.

Power to detain unsafe ships, and procedure for such detention.

6. Where a British ship, being in any port of the United Kingdom, is, by reason of the defective condition of her hull, equipments, or machinery, or by reason of overloading or improper loading, unfit to proceed to sea without serious danger to human life, having regard to the nature of the service for which she is intended, any such ship (herein-after referred to as "unsafe") may be provisionally detained for the purpose of being surveyed, and either finally detained or released, as follows:

(1.) The Board of Trade, if they have reason to believe on complaint, or otherwise, that a British ship is unsafe, may provisionally order the detention of the ship for the purpose of being surveyed.

(2.) When a ship has been provisionally detained there shall be forthwith served on the master of the ship a written statement of the grounds of her detention, and the Board of Trade may, if they think fit, appoint some competent person or persons to survey the ship and report thereon to the Board.

(3.) The Board of Trade on receiving the report may either order the ship to be released or, if in their opinion the ship is unsafe, may order her to be finally detained, either absolutely, or until the performance of such conditions with respect to the execution of repairs or alterations, or the unloading or reloading of cargo, as the Board think necessary for the protection of human life, and may from time to time vary or add to any such order.

(4.) Before the order for final detention is made a copy of the report shall be served upon the master of the ship, and within seven days after such service the owner or master of the ship may appeal in the prescribed manner to the court of survey (herein-after mentioned) for the port or district where the ship is detained.

(5.) Where a ship has been provisionally detained, the owner or master of the ship, at any time before the person appointed under this section to survey the ship makes such survey, may require that he shall be accompanied by such person as the owner or master may select out of the list of assessors for the court of survey (nominated as herein-after mentioned), and in such case if the surveyor and assessor agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner and master shall have the like appeal touching the report of the surveyor as is before provided by this section.

(6.) Where a ship has been provisionally detained, the Board of Trade may at any time, if they think it expedient, refer the matter to the court of survey for the port or district where the ship is detained.

(7.) The Board of Trade may at any time, if satisfied that a ship detained under this Act is not unsafe, order her to be released either upon or without any conditions.

(8.) For the better execution of this section, the Board of Trade, with the consent of the Treasury, may from time to time appoint a sufficient number of fit officers, and may remove any of them.

(9.) Any officer so appointed (in this Act referred to as a detaining officer) shall have the same power as the Board of Trade have under this section of provisionally ordering the detention of a ship for the purpose of being surveyed, and

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of appointing a person or persons to survey her; and if he thinks that a ship so detained by him is not unsafe may order her to be released.

(10.) A detaining officer shall forthwith report to the Board of Trade any order made by him for the detention or release of a ship.

Constitution of court of survey for appeals.

7. A court of survey for a port or district shall consist of a judge sitting with two assessors.

The judge shall be such person as may be summoned for the case in accordance with the rules made under this Act out of a list (from time to time approved for the port or district by one of Her Majesty's Principal Secretaries of State, in this Act referred to as a Secretary of State,) of wreck commissioners appointed under this Act, stipendiary or metropolitan police magistrates, judges of county courts, and other fit persons; but in any special case in which the Board of Trade think it expedient to appoint a wreck commissioner, the judge shall be such wreck commissioner.

The assessors shall be persons of nautical engineering or other special skill and experience; one of them shall be appointed by the Board of Trade, either generally or in each case, and the other shall be summoned in accordance with the rules under this Act by the registrar of the court, out of a list of persons periodically nominated for the purpose by the local marine board of the port, or, if there is no such board, by a body of local shipowners or merchants approved for the purpose by a Secretary of State, or, if there is no such list, shall be appointed by the judge; if a Secretary of State thinks fit at any time, on the recommendation of the government of any British possession or any foreign state, to add any person or persons to any such list, such person or persons shall, until otherwise directed by the Secretary of State, be added to such list, and if there is no such list shall form such list.

The county court registrar or such other fit person as a Secretary of State may from time to time appoint shall be the registrar of the court, and shall, on receiving notice of an appeal or a reference from the Board of Trade, immediately summon the court in the prescribed manner to meet forthwith.

The name of the registrar and his office, together with the rules made under this Act relating to the court of survey, shall be published in the prescribed manner.

Power and procedure of court of survey.

8. With respect to the court of survey the following provisions shall have effect:

(1.) The case shall be heard in open court;

(2.) The judge and each assessor may survey the ship, and shall have for the purposes of this Act all the powers of an inspector appointed by the Board of Trade under the Merchant Shipping Act, 1854;

(3.) The judge may appoint any competent person or persons to survey the ship and report thereon to the court;

(4.) The judge shall have the same power as the Board of Trade have to order the ship to be released or finally detained, but unless one of the assessors concurs in an order for the detention of the ship, the ship shall be released;

(5.) The owner and master of the ship and any person appointed by the owner or master, and also any person appointed by the Board of Trade, may attend at any inspection or survey made in pursuance of this section;

(6.) The judge shall send to the Board of Trade the prescribed report, and each assessor shall either sign the report or report to the Board of Trade the reasons for his dissent.

Rules for procedure of court of survey, &c.

9. The Lord Chancellor of Great Britain may from time to time (with the consent of the Treasury so far as relates to fees) make, and when made revoke, alter, and add to general rules to carry into effect the provisions of this Act with respect to a court of survey, and in particular with respect to the summoning of and procedure before the court, the requiring on an appeal security for costs and damages, the amount and application of fees, and the publication of the rules.

All such rules while in force shall have effect as if enacted in this Act, and the expression "prescribed" in the provisions of this Act relating to the detention of ships or court of survey means prescribed by such rules.

Liability of Board of Trade and shipowner for costs and damages.

10. If it appears that there was not reasonable and probable cause, by reason of the condition of the ship or the act or default of the owner, for the provisional detention of the ship, the Board of Trade shall be liable to pay to the owner of the ship his costs of and incidental to the detention and survey of the ship, and also compensation for any loss or damage sustained by him by reason of the detention or survey.

If a ship is finally detained under this Act, or if it appears that a ship provisionally detained was, at the time of such detention, unsafe within the meaning of this Act, the owner of the ship shall be liable to pay to the Board of Trade their costs of and incidental to the detention and survey of the ship, and those costs shall,

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without prejudice to any other remedy, be recoverable as salvage is recoverable.

For the purposes of this Act the costs of and incidental to any proceeding before a court of survey, and a reasonable amount in respect of the remuneration of the surveyor or officer of the Board of Trade, shall be deemed to be part of the costs of the detention and survey of the ship, and any dispute as to the amount of costs under this Act may be referred to one of the masters or registrars of the Supreme Court of Judicature, who, on request made to him for that purpose by the Board of Trade, shall ascertain and certify the proper amount of such costs.

An action for any costs or compensation payable by the Board of Trade under this section may be brought against the secretary thereof by his official title as if he were a corporation sole; and if the cause of action arises in Ireland, it shall be lawful for any of the superior courts of common law in Ireland in which such action may be commenced to order that the summons or writ may be served on the Crown and Treasury Solicitor for Ireland, in such manner and on such terms as to extension of time and otherwise as to the court shall seem fit, and that such service shall be deemed good and sufficient service of such summons or writ upon the Secretary of the Board of Trade.

Power to require from complainant security for costs.

11. Where a complaint is made to the Board of Trade or a detaining officer that a British ship is unsafe, the Board or officer may, if they or he think fit, require the complainant to give security to the satisfaction of the Board for the costs and compensation which he may become liable to pay as herein-after mentioned.

Provided that where the complaint is made by one fourth, being not less than three, of the seamen belonging to the ship, and is not in the opinion of the Board or officer frivolous or vexatious, such security shall not be required, and the Board or officer shall, if the complaint is made in sufficient time before the sailing of the ship, take proper steps for ascertaining whether the ship ought to be detained under this Act.

Where a ship is detained in consequence of any complaint, and the circumstances are such that the Board of Trade are liable under this Act to pay to the owner of the ship any costs or compensation, the complainant shall be liable to pay to the Board of Trade all such costs and compensation as the Board incur or are liable to pay in respect of the detention and survey of the ship.

Supplemental provisions as to

12. (1.) A detaining officer shall have for the purpose of his duties under this Act the same powers as an inspector appointed

by the Board of Trade under the Merchant Shipping Act, 1854.

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detention of ship.

(2.) An order for the detention of a ship, provisional or final, and an order varying the same, shall be served as soon as may be on the master of the ship.

(3.) When a ship has been detained under this Act she shall not be released by reason of her British register being subsequently closed.

(4.) For the purposes of a survey of a ship under this Act any person authorised to make the same may go on board the ship and inspect the same and every part thereof, and the machinery, equipments, and cargo, and may require the unloading or removal of any cargo, ballast, or tackle.

(5.) The provisions of the Merchant Shipping Act, 1854, with respect to persons who wilfully impede an inspector, or disobey a requisition or order of an inspector, shall apply as if those provisions were herein enacted, with the substitution for the inspector of any judge, assessor, officer, or surveyor who under this Act has the same powers as an inspector or has authority to survey a ship.

Foreign Ships, Overloading.

Application to foreign ships of provisions as to detention.

13. Where a foreign ship has taken on board all or any part of her cargo at a port in the United Kingdom, and is whilst at that port unsafe by reason of overloading or improper loading, the provisions of this Act with respect to the detention of ships shall apply to that foreign ship as if she were a British ship, with the following modifications:

(1.) A copy of the order for the provisional detention of the ship shall be forthwith served on the consular officer for the State to which the ship belongs at or nearest to the place where the ship is detained:

(2.) Where a ship has been provisionally detained, the consular officer, on the request of the owner or master of the ship, may require that the person appointed by the Board of Trade to survey the ship shall be accompanied by such person as the consular officer may select, and in such case, if the surveyor and such person agree, the Board of Trade shall cause the ship to be detained or released accordingly, but if they differ, the Board of Trade may act as if the requisition had not been made, and the owner

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and master shall have the appeal to the court of survey touching the report of the surveyor which is before provided by this Act; and

(3.) Where the owner or master of the ship appeals to the court of survey, the consular officer, on the request of such owner or master, may appoint any competent person who shall be assessor in such case in lieu of the assessor who, if the ship were a British ship, would be appointed otherwise than by the Board of Trade.

In this section the expression "consular officer" means any consul-general, vice-consul, consular agent, or other officer recognised by a Secretary of State as a consular officer of a foreign State.

Appeal on Refusal of certain Certificates to Ships.

Appeal on refusal of certain certificates under Merchant Shipping and Passengers Acts.

14. Whereas by section three hundred and nine of the Merchant Shipping Act, 1854, and enactments amending the same, the owner of a passenger steamer as defined in that Act is required to cause the same to be surveyed by a shipwright surveyor and an engineer surveyor, and those surveyors are required to give declarations of certain particulars with respect to the sufficiency or conformity with the Act of the ship and equipments, and to the limits beyond which the ship is not fit to ply, and to the number of passengers which the ship is fit to carry, and of other particulars in the said section mentioned, and the Board of Trade, under section three hundred and twelve of the same Act, issue a certificate upon such declarations, and the passenger steamer cannot lawfully proceed to sea without obtaining such certificate;

And whereas under sections eleven and fifty of the Passengers Act, 1855, and the enactments amending the same, a passenger ship within the meaning of those sections (in this Act referred to as an emigrant ship) cannot lawfully proceed to sea without a certificate of clearance from an emigration officer, or other officer in those sections mentioned, showing that all the requirements of the said sections and enactments have been complied with, and that the ship is in the officer's opinion seaworthy, and that the passengers and crew are in a fit state to proceed to sea, and otherwise as therein mentioned;

And whereas by section thirty of the Merchant Shipping Act Amendment Act, 1862, provision is made for preventing a ship from proceeding to sea in certain cases without a certificate from a surveyor or person appointed by the Board of Trade to the effect that the ship is properly provided with lights, and with the means of making fog signals;

And whereas it is expedient to give in the said cases such appeal as herein-after mentioned: Be it therefore enacted that—

If a shipowner feels aggrieved,

(1.) by a declaration of a shipwright surveyor or an engineer surveyor respecting a passenger steamer under the above-recited enactments, or by the refusal of a surveyor to give the said declaration; or

(2.) by the refusal of a certificate of clearance for an emigrant ship under the above-recited enactments; or

(3.) by the refusal of a certificate as to lights or fog signals under the above-recited enactment,

the owner may appeal in the prescribed manner to the court of survey for the port or district where the ship for the time being is.

On such appeal the judge of the court of survey shall report to the Board of Trade on the question raised by the appeal, and the Board of Trade, when satisfied that the requirements of the report and the other provisions of the said enactments have been complied with, may,—

(1.) In the case of a passenger steamer give their certificate under section three hundred and twelve of the Merchant Shipping Act, 1854, and

(2.) In the case of an emigrant ship give, or direct the emigration or other officer to give, a certificate of clearance under the above-mentioned enactments, and

(3.) In the case of a refusal of a certificate as to lights or fog signals, give or direct a surveyor or other person appointed by them to give a certificate under section thirty of the Merchant Shipping Act Amendment Act, 1862.

Subject to any order made by the judge of the court of survey, the costs of and incidental to an appeal under this section shall follow the event.

Subject as aforesaid, the provisions of this Act with respect to the court of survey and appeals thereto, so far as consistent with the tenour thereof, shall apply to the court of survey when acting under this section, and to appeals under this section.

Where the survey of a ship is made for the purpose of a declaration or certificate under the above-recited enactments, the person appointed to make the survey shall, if so required by the owner, be accompanied on the survey by some person appointed by the owner, and in such case, if the said two persons agree, there shall be no appeal to the court of survey in pursuance of this section.

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Scientific Referees.

Reference in difficult cases to scientific persons.

15. If the Board of Trade are of opinion that an appeal under this Act involves a question of construction or design or of scientific difficulty or important principle, they may refer the matter to such one or more out of a list of scientific referees from time to time approved by a Secretary of State, as may appear to possess the special qualifications necessary for the particular case, and may be selected by agreement between the Board of Trade and the appellant, or in default of any such agreement by a Secretary of State, and thereupon the appeal shall be determined by the referee or referees, instead of by the court of survey.

The Board of Trade, if the appellant in any appeal so require and give security to the satisfaction of the Board to pay the costs of and incidental to the reference, shall refer that appeal to a referee or referees so selected as aforesaid.

The referee or referees shall have the same powers as a judge of the court of survey.

Passenger Steamers and Emigrant Ships.

Exemption of certain steamers from passenger certificates.

16. Any steamship may carry passengers not exceeding twelve in number although she has not been surveyed by the Board of Trade as a passenger steamer, and does not carry a Board of Trade certificate as provided by the Merchant Shipping Act, 1854, with respect to passenger steamers.

Colonial certificates for passenger steamers.

17. Where the legislature of any British possession provides for the survey of and grant of certificates for passenger steamers, and the Board of Trade report to Her Majesty that they are satisfied that the certificates are to the like effect, and are granted after a like survey, and in such manner as to be equally efficient with the certificates granted for the same purpose in the United Kingdom under the Acts relating to Merchant Shipping, it shall be lawful for Her Majesty by Order in Council—

1. To declare that the said certificates shall be of the same force as if they had been granted under the said Acts; and
2. To declare that all or any of the provisions of the said Acts which relate to certificates granted for passenger steamers under those Acts shall, either without modification or with such modifications as to Her Majesty may seem necessary, apply to the certificates referred to in the Order; and
3. To impose such conditions and to make such regulations with respect to the said certificates, and to the use, delivery, and

cancellation thereof, as to Her Majesty may seem fit, and to impose penalties not exceeding fifty pounds for the breach of such conditions and regulations.

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Provision against double survey in case of passenger steamers and emigrant ships.

18. In every case where a passenger certificate has been granted to any steamer by the Board of Trade under the provisions of the Merchant Shipping Act, 1854, and remains still in force, it shall not be requisite for the purposes of the employment of such steamer under the Passengers Acts that she shall be again surveyed in her hull and machinery in order to qualify her for service under the Passengers Act, 1855, and the Acts amending the same; but for the purposes of employment under those Acts such Board of Trade certificate shall be deemed to satisfy the requirements of the Passengers Acts with respect to such survey, and any further survey of the hull and machinery shall be dispensed with, and so long as a steamship is an emigrant ship that is a passenger ship within the meaning of the Passengers Act, 1855, and the Acts amending the same, and the provisions contained in the said Passengers Acts as to the survey of her hull, machinery, and equipments have been complied with, she shall not be subject to the provisions of the Merchant Shipping Act, 1854, with respect to the survey of and certificate for passenger steamers, or to the enactments amending the same.

Provision as to survey of foreign passenger steamer or emigrant ship.

19. Where a foreign ship is a passenger steamer subject to the Merchant Shipping Act, 1854, and the Acts amending the same, or an emigrant ship subject to the Passengers Act, 1855, and the Acts amending the same, and the Board of Trade are satisfied, by the production of a foreign certificate of survey attested by a British consular officer at the port of survey, that such ship has been officially surveyed at a foreign port, and are satisfied that the requirements of the said Acts, or any of them, are proved by such survey to have been substantially complied with, the Board may, if they think fit, dispense with any further survey of the ship in respect of the requirements so complied with, and give or direct one of their officers to give a certificate, which shall have the same effect as if given upon survey under the said Acts or any of them: Provided that Her Majesty may by Order in Council direct that this section shall not apply in the case of an official survey at any foreign port at which it appears to Her Majesty that corresponding provisions are not extended to British ships.

Power to modify Passengers Acts as to food,

20. It shall be lawful for the Board of Trade, if satisfied that the food, space, accommodation, or any other particular or thing provided in an emigrant ship for any class of passengers is superior

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space, and accommodation in emigrant ships.

to the food, space, accommodation, or other particular or thing required by the Passengers Act, 1855, and the Acts amending the same, to exempt such ship from any of the requirements of those Acts with respect to food, space, or accommodation, or other particular or thing, in such manner and upon such conditions as the Board of Trade may think fit.

Provision of signals of distress, inextinguishable lights, and life buoys in passenger steamers and emigrant ships.

21. Every sea-going passenger steamer and every emigrant ship shall be provided to the satisfaction of the Board of Trade—

(1.) With means for making the signals of distress at night specified in the First Schedule to "The Merchant Shipping Act, 1873," or in any rules substituted therefor, including means of making flames on the ship which are inextinguishable in water, or such other means of making signals of distress as the Board of Trade may previously approve; and

(2.) With a proper supply of lights inextinguishable in water and fitted for attachment to life buoys.

If any such steamer or ship goes to sea from any port of the United Kingdom without being so provided as required by this section, for each default in any of the above requisites the owner shall, if he appears to be in fault, incur a penalty not exceeding one hundred pounds, and the master shall, if he appears to be in fault, incur a penalty not exceeding fifty pounds.

Grain Cargoes.

Stowage of cargo of grain, &c.

22. No cargo of which more than one third consists of any kind of grain, corn, rice, paddy, pulse, seeds, nuts, or nut kernels, hereinafter referred to as "grain cargo," shall be carried on board any British ship, unless such grain cargo be contained in bags, sacks, or barrels, or secured from shifting by boards, bulkheads, or otherwise.

If the managing owner or master of any British ship, or any agent of such owner who is charged with the loading of the ship or the sending her to sea, knowingly allows any grain cargo or part of a grain cargo to be shipped therein for carriage contrary to the provisions of this section, he shall for every such offence incur a penalty not exceeding three hundred pounds, to be recovered upon summary conviction.

Deck Cargoes.

Space occupied by deck cargo to be liable to dues.

23. If any ship, British or foreign, other than home trade ships as defined by the Merchant Shipping Act, 1854, carries as deck cargo, that is to say, in any uncovered space upon deck, or in any

covered space not included in the cubical contents forming the ship's registered tonnage, timber, stores, or other goods, all dues payable on the ship's tonnage shall be payable as if there were added to the ship's registered tonnage the tonnage of the space occupied by such goods at the time at which such dues become payable.

The space so occupied shall be deemed to be the space limited by the area occupied by the goods and by straight lines inclosing a rectangular space sufficient to include the goods.

The tonnage of such space shall be ascertained by an officer of the Board of Trade or of Customs, in manner directed by sub-section four of section twenty-one of the Merchant Shipping Act, 1854, and when so ascertained shall be entered by him in the ship's official log book, and also in a memorandum which he shall deliver to the master, and the master shall, when the said dues are demanded, produce such memorandum in like manner as if it were the certificate of registry, or, in the case of a foreign ship, the document equivalent to a certificate of registry, and in default shall be liable to the same penalty as if he had failed to produce the said certificate or document.

Penalty for carrying deckloads of timber in winter.

24. After the first day of November one thousand eight hundred and seventy-six, if a ship, British or foreign, arrives between the last day of October and the sixteenth day of April in any year at any port in the United Kingdom from any port out of the United Kingdom, carrying as deck cargo, that is to say, in any uncovered space upon deck, or in any covered space not included in the cubical contents forming the ship's registered tonnage, any wood goods coming within the following descriptions; that is to say,

(*a.*) Any square, round, waney, or other timber, or any pitch pine, mahogany, oak, teak, or other heavy wood goods whatever; or

(*b.*) Any more than five spare spars or store spars, whether or not made, dressed, and finally prepared for use; or

(*c.*) Any deals, battens, or other light wood goods of any description to a height exceeding three feet above the deck;

the master of the ship, and also the owner, if he is privy to the offence, shall be liable to a penalty not exceeding five pounds for every hundred cubic feet of wood goods carried in contravention of this section, and such penalty may be recovered by action or on indictment or to an amount not exceeding one hundred pounds (whatever may be the maximum penalty recoverable) on summary conviction.

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Provided that a master or owner shall not be liable to any penalty under this section—

(1.) In respect of any wood goods which the master has considered it necessary to place or keep on deck during the voyage on account of the springing of any leak, or of any other damage to the ship received or apprehended; or

(2.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the last day of October as allowed a sufficient interval according to the ordinary duration of the voyage for the ship to arrive before that day at the said port in the United Kingdom, but was prevented from so arriving by stress of weather or circumstances beyond his control; or

(3.) If he proves that the ship sailed from the port at which the wood goods were loaded as deck cargo at such time before the sixteenth day of April as allowed a reasonable interval according to the ordinary duration of the voyage for the ship to arrive after that day at the said port in the United Kingdom, and by reason of an exceptionally favourable voyage arrived before that day.

Provided further, that nothing in this section shall affect any ship not bound to any port in the United Kingdom which comes into any port of the United Kingdom under stress of weather, or for repairs, or for any other purpose than the delivery of her cargo.

Deck and Load Lines.

Marking of deck-lines.

25. Every British ship (except ships under eighty tons register employed solely in the coasting trade, ships employed solely in fishing, and pleasure yachts) shall be permanently and conspicuously marked with lines of not less than twelve inches in length and one inch in breadth, painted longitudinally on each side amidships, o as near thereto as is practicable, and indicating the position of eac deck which is above water.

The upper edge of each of these lines shall be level with th upper side of the deck plank next the waterway at the place o marking.

The lines shall be white or yellow on a dark ground, or black on a light ground.

Marking of load-line on foreign-going British ships.

26. With respect to the marking of a load-line on British s the following provisions shall have effect:

(1.) The owner of every British ship (except ships un ighty tons register employed solely in the coasting tr ships

employed solely in fishing, and pleasure yachts) shall, before entering his ship outwards from any port in the United Kingdom upon any voyage for which he is required so to enter her, or, if that is not practicable, as soon after as may be, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:

(2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship for that voyage:

(3.) He shall also, upon so entering her, insert in the form of entry delivered to the collector or other principal officer of Customs a statement in writing of the distance in feet and inches between the centre of this disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:

(4.) If default is made in delivering this statement in the case of any ship, any officer of Customs may refuse to enter the ship outwards:

(5.) The master of the ship shall enter a copy of this statement in the agreement with the crew before it is signed by any member of the crew, and no superintendent of any mercantile marine office shall proceed with the engagement of the crew until this entry is made:

(6.) The master of the ship shall also enter a copy of this statement in the official log book:

(7.) When a ship has been marked as by this section required, she shall be kept so marked until her next return to a port of discharge in the United Kingdom.

Marking of load-line in case of coasting vessels.

27. With respect to the marking of a load-line on British ships employed in the coasting trade, the following provisions shall have effect:

(1.) The owner of every British ship employed in the coasting trade on the coasts of the United Kingdom (except ships under eighty tons register employed solely in that trade) shall, before proceeding to sea from any port, mark upon each of her sides amidships, or as near thereto as is practicable, in white or yellow on a dark ground, or in black

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on a light ground, a circular disc twelve inches in diameter, with a horizontal line eighteen inches in length drawn through its centre:

(2.) The centre of this disc shall indicate the maximum load-line in salt water to which the owner intends to load the ship, until notice is given of an alteration:

(3.) He shall also once in every twelve months, immediately before the ship proceeds to sea, send or deliver to the collector or other principal officer of Customs of the port of registry of the ship a statement in writing of the distance in feet and inches between the centre of the disc and the upper edge of each of the lines indicating the position of the ship's decks which is above that centre:

(4.) The owner, before the ship proceeds to sea after any renewal or alteration of the disc, shall send or deliver to the collector or other principal officer of Customs of the port of registry of the ship notice in writing of such renewal or alteration, together with such statement in writing as before mentioned of the distance between the centre of the disc and the upper edge of each of the deck-lines:

(5.) If default is made in sending or delivering any notice or statement required by this section to be sent or delivered, the owner shall be liable to a penalty not exceeding one hundred pounds:

(6.) When a ship has been marked as by this section required, she shall be kept so marked until notice is given of an alteration.

Penalty for offences in relation to marks on ships.

28. Any owner or master of a British ship who neglects to cause his ship to be marked as by this Act required, or to keep her so marked, or who allows the ship to be so loaded as to submerge in salt water the centre of the disc, and any person who conceals, removes, alters, defaces, or obliterates, or suffers any person under his control to conceal, remove, alter, deface, or obliterate, any of the said marks, except in the event of the particulars thereby denoted being lawfully altered, or except for the purpose of escaping capture by an enemy, shall for each offence incur a penalty not exceeding one hundred pounds.

If any of the marks required by this Act is in any respect inaccurate, so as to be likely to mislead, the owner of the ship shall incur a penalty not exceeding one hundred pounds.

Investigations into Shipping Casualties.

29. For the purpose of rendering investigations into shipping casualties more speedy and effectual it shall be lawful for the Lord High Chancellor of Great Britain to appoint from time to time some fit person or persons to be a wreck commissioner or wreck commissioners for the United Kingdom, so that there shall not be more than three such commissioners at any one time, and to remove any such wreck commissioner; and in case it shall become necessary to appoint a wreck commissioner in Ireland the Lord Chancellor of Ireland shall have the appointment and the power of removal of such wreck commissioner.

Appointment, duties, and powers of wreck commissioners for investigating shipping casualties.

It shall be the duty of a wreck commissioner, at the request of the Board of Trade, to hold any formal investigation into a loss, abandonment, damage, or casualty (in this Act called a shipping casualty) under the eighth part of the Merchant Shipping Act, 1854, and for that purpose he shall have the same jurisdiction and powers as are thereby conferred on two justices, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, with respect to investigations conducted under the eighth part of the Merchant Shipping Act, 1854, shall apply to investigations held by a wreck commissioner.

30. The wreck commissioner, justices, or other authority holding a formal investigation into a shipping casualty shall hold the same with the assistance of an assessor or assessors of nautical engineering or other special skill or knowledge, to be appointed by the commissioner, justices, or authority out of a list of persons for the time being approved for the purpose by a Secretary of State.

Assessors and rules of procedure on formal investigations into shipping casualties.

The commissioner, justices, or authority, when of opinion that the investigation is likely to involve the cancellation or suspension of the certificate of a master or mate, shall, where practicable, appoint a person having experience in the merchant service to be one of the assessors.

Each assessor shall either sign the report made on the investigation, or report to the Board of Trade his reasons for his dissent therefrom.

The Lord High Chancellor of Great Britain may from time to time, with the consent of the Treasury so far as relates to fees, make, and when made revoke, alter, and add to general rules for carrying into effect the enactments relating to formal investigations into shipping casualties, and in particular with respect to the summoning of assessors, the procedure, the parties, the persons allowed to appear,

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the notice to such parties and persons or to persons affected, and the amount and application of fees.

All such rules, while in force, shall have effect as if enacted in this Act.

Every formal investigation into a shipping casualty shall be conducted in such manner that if a charge is made against any person that person shall have an opportunity of making a defence.

Power for wreck commissioner to institute examination with respect to ships in distress under 17 & 18 Vict. c. 104. s. 448.

31. A wreck commissioner may, at the request of the Board of Trade, by himself, or by some deputy approved by the Board of Trade, institute the same examination as a receiver of wreck under section four hundred and forty-eight of the Merchant Shipping Act, 1854, and shall for that purpose have the powers by that section conferred on a receiver of wreck.

Power to hold inquiries or formal investigations as to stranded and missing ships.

32. In the following cases—

(1.) Whenever any ship on or near the coasts of the United Kingdom or any British ship elsewhere has been stranded or damaged, and any witness is found at any place in the United Kingdom, or

(2.) Whenever a British ship has been lost or is supposed to have been lost, and any evidence can be obtained in the United Kingdom as to the circumstances under which she proceeded to sea or was last heard of,

the Board of Trade (without prejudice to any other powers) may, if they think fit, cause an inquiry to be made or formal investigation to be held, and all the provisions of the Merchant Shipping Acts, 1854 to 1876, shall apply to any such inquiry or investigation as if it had been made or held under the eighth part of the Merchant Shipping Act, 1854.

Place of investigation.

33. A formal investigation into a shipping casualty may be held at any place appointed in that behalf by the Board of Trade, and all enactments relating to the authority holding the investigation shall, for the purpose of the investigation, have effect as if the place so appointed were a place appointed for the exercise of the ordinary jurisdiction of that authority.

Miscellaneous.

Enforcing detention of ship.

34. Where under the Merchant Shipping Acts, 1854 to 1876, or any of them, a ship is authorised or ordered to be detained, any commissioned officer on full pay in the naval or military service of Her Majesty, or any officer of the Board of Trade or Customs, or any British consular officer may detain the ship, and if the ship after such detention or after service on the master of any

notice of or order for such detention proceeds to sea before it is released by competent authority, the master of the ship, and also the owner, and any person who sends the ship to sea, if such owner or person be party or privy to the offence, shall forfeit and pay to Her Majesty a penalty not exceeding one hundred pounds.

Where a ship so proceeding to sea takes to sea when on board thereof in the execution of his duty any officer authorised to detain the ship, or any surveyor or officer of the Board of Trade or Customs, the owner and master of the ship shall each be liable to pay all expenses of and incidental to the officer or surveyor being so taken to sea, and also a penalty not exceeding one hundred pounds, or, if the offence is not prosecuted in a summary manner, not exceeding ten pounds for every day until the officer or surveyor returns, or until such time as would enable him after leaving the ship to return to the port from which he is taken, and such expenses may be recovered in like manner as the penalty.

Service of order on master, &c.

35. Where any order, notice, statement, or document requires, for the purpose of any provision of this Act, to be served on the master of a ship, the same shall be served, where there is no master, and the ship is in the United Kingdom, on the managing owner of the ship, or if there is no managing owner, on some agent of the owner residing in the United Kingdom, or where no such agent is known or can be found, by affixing a copy thereof to the mast of the ship.

Any such order, notice, statement, or document may be served by delivering a copy thereof personally to the person to be served, or by leaving the same at his last place of abode, or in the case of a master by leaving it for him on board the ship with the person being or appearing to be in command or charge of such ship.

Any person who obstructs the service of any order, notice, statement, or document on the master of a ship shall incur a penalty not exceeding ten pounds, and if the owner or master of the ship is party or privy to such obstruction he shall be guilty of a misdemeanor.

Ship's managing owner or manager to be registered.

36. The name and address of the managing owner for the time being of every British ship registered at any port or place in the United Kingdom shall be registered at the custom house of the ship's port of registry.

Where there is not a managing owner there shall be so registered the name of the ship's husband or other person to whom the management of the ship is entrusted by or on behalf of the owner;

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and any person whose name is so registered shall, for the purposes of the Merchant Shipping Acts, 1854 to 1876, be under the same obligations, and subject to the same liabilities, as if he were the managing owner.

If default is made in complying with this section the owner shall be liable, or if there be more owners than one each owner shall be liable in proportion to his interest in the ship, to a penalty not exceeding in the whole one hundred pounds each time the ship leaves any port in the United Kingdom.

Power for Her Majesty by Order in Council to apply certain provisions of Merchant Shipping Acts to foreign ships.

37. Whenever it has been made to appear to Her Majesty that the Government of any Foreign State is desirous that any of the provisions of the Merchant Shipping Acts, 1854 to 1876, or of any Act hereafter to be passed amending the same, shall apply to the ships of such State, Her Majesty may by Order in Council declare that such of the said provisions as are in such Order specified shall (subject to the limitations, if any, contained in the Order) apply, and thereupon, so long as the Order remains in force, such provisions shall apply (subject to the said limitations) to the ships of such State, and to the owners, masters, seamen, and apprentices of such ships, when not locally within the jurisdiction of such State, in the same manner in all respects as if such ships were British ships.

Provision as to Order in Council.

38. Where Her Majesty has power under the Merchant Shipping Act, 1854, or any Act passed or hereafter to be passed amending the same, to make an Order in Council, it shall be lawful for Her Majesty from time to time to make such Order in Council, and by Order in Council to revoke, alter, or add to any Order so made.

Every such Order in Council shall be published in the London Gazette, and shall be laid before both Houses of Parliament within one month after it is made, if Parliament be then sitting, or if not, within one month after the then next meeting of Parliament.

Upon the publication of any such Order in the London Gazette, the Order shall, after the date of such publication, or any later date mentioned in the Order, take effect as if it were enacted by Parliament.

Fees, salaries, and costs.

39. On and after the first day of January one thousand eight hundred and seventy-seven all fees payable in respect of the survey or measurement of ships under the Merchant Shipping Acts, 1854 to 1876, or in respect of any services performed by any person employed under the authority of the Passengers Act, 1855, shall

continue to be paid to the superintendent of a mercantile marine office at such times and in such manner as the Board of Trade from time to time direct, but shall be paid into the receipt of Her Majesty's Exchequer in such manner as the Treasury from time to time direct, and shall be carried to and form part of the Consolidated Fund of the United Kingdom.

On and after the same day the salaries of all surveyors appointed under the Merchant Shipping Acts, 1854 to 1876, and so much of the expenses connected with the survey and measurement of ships under those Acts, and of the salaries and expenses of persons employed under the Passengers Act, 1855, as has heretofore been paid out of the Mercantile Marine Fund, shall be paid out of moneys provided by Parliament, and the Treasury shall have the like control over such salaries and expenses as has heretofore been vested in the Board of Trade.

There may be paid out of moneys provided by Parliament, to any wreck commissioner, judge of a court of survey, assessor, registrar of a court of survey, detaining officer, scientific referee, and other officer or person appointed under this Act, such salary or remuneration (if any) as the Treasury from time to time direct.

There may be paid out of moneys provided by Parliament all costs and compensation payable by the Board of Trade in pursuance of this Act.

Legal proceedings in case of offences.

40. For the purpose of punishment, jurisdiction, and legal proceedings an offence under this Act shall be deemed to be an offence under the Merchant Shipping Act, 1854.

Application of Act to Scotland.

41. In the application of this Act to Scotland,—

The provision with respect to a prosecution not being instituted except by or with the consent of the Board of Trade shall not apply.

"Judge of a county court" shall be deemed to include a sheriff and sheriff substitute, and

"Registrar of a county court" shall be deemed to include sheriff clerk, and

"A master of the Supreme Court of Judicature" shall mean the Queen's and Lord Treasurer's Remembrancer.

Application of Act to Ireland.

42. In the application of this Act to Ireland,—

"Judge of a county court" shall be deemed to include "chairman of a county" and "the recorder of any borough";

"Registrar of a county court" shall be deemed to include the clerk of the peace or registrar or other person discharging the duties of registrar of the court, of the chairman of a county, or the recorder of a borough;

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"Stipendiary magistrate" shall be deemed to include any of the justices of the peace in Dublin metropolis and any resident magistrate; and

"A master of the Supreme Court of Judicature" shall mean one of the masters of the Superior Courts of Common Law in Ireland.

Application of Act to Isle of Man.

43. In the application of this Act to the Isle of Man,—

"Judge of a county court" shall mean the water bailiff;

"Stipendiary magistrate" shall mean a high bailiff;

"Registrar of a county court" shall mean a clerk to a deemster or a clerk to justices of the peace;

"A master of the Supreme Court of Judicature" shall mean the clerk of the rolls.

Saving for colonial inland waters.

44. Nothing in this Act shall apply to any vessel employed exclusively in trading or going from place to place in any river or inland water of which the whole or part is in any British possession, and the provisions of this Act relating to deck cargo shall not apply to deck cargo carried by a ship while engaged in the coasting trade of any British possession.

Repeal.

Repeal of Acts.

45. On and from the commencement of this Act the Acts specified in the first part of the schedule hereto, and on and from the first day of January one thousand eight hundred and seventy-seven the Acts specified in the second part of the schedule hereto, shall be repealed to the extent in the third column of that schedule mentioned: Provided that any officer appointed in pursuance of any such enactment shall be deemed to have been appointed under this Act, and any Order in Council made in pursuance of any such enactment shall be deemed to have been made under this Act, and this repeal shall not affect—

(1.) Anything done or suffered under any enactment hereby repealed; nor

(2.) Any right, power, duty, obligation, or liability acquired, imposed, accrued, or incurred under any enactment hereby repealed; nor

(3.) Any penalty or punishment incurred in respect of any offence against any enactment hereby repealed; nor

(4.) Any legal proceeding in respect of any such right, power, duty, obligation, liability, penalty, or punishment, and any such legal proceeding may be carried on as if this Act had not passed.

SCHEDULE.

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PART I.

ENACTMENTS REPEALED FROM COMMENCEMENT OF ACT.

Session and Chapter.	Title.	Extent of repeal.
17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Sub-section (4) of section three hundred and one; so much of section three hundred and eighteen as requires the owner of a ship to transmit the declarations therein mentioned; section four hundred and thirty-four; and section four hundred and thirty-seven from "and in case he so requires" inclusive to the end of section; and section four hundred and forty-nine.
34 & 35 Vict. c. 110 -	The Merchant Shipping Act, 1871 -	Section eleven.
36 & 37 Vict. c. 85 -	The Merchant Shipping Act, 1873 -	Sections eleven, twelve, thirteen, and fourteen.
38 & 39 Vict. c. 88 -	The Merchant Shipping Act, 1875 -	The whole Act.

PART II.

ENACTMENTS REPEALED FROM 1ST JANUARY 1877.

Session and Chapter.	Title.	Extent of repeal.
17 & 18 Vict. c. 104 -	The Merchant Shipping Act, 1854 -	Sub-section (2) of section four hundred and eighteen.
35 & 36 Vict. c. 73 -	The Merchant Shipping Act, 1872 -	Section fourteen.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1876.

CHAPTER 81.

An Act for amending the Law relating to Crossed Cheques. [15th August 1876.]

A.D. 1876.

BE it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. This Act may be cited as The Crossed Cheques Act, 1876. Short title.

2. The Acts described in the schedule to this Act are hereby repealed, but this repeal shall not affect any right, interest, or liability acquired or accrued before the passing of this Act. Repeal of Acts in schedule.

3. In this Act—

"Cheque" means a draft or order on a banker payable to bearer or to order on demand, and includes a warrant for payment of dividend on stock sent by post by the Governor and Company of the Bank of England or of Ireland, under the authority of any Act of Parliament for the time being in force: Interpretation.

"Banker" includes persons or a corporation or company acting as bankers.

4. Where a cheque bears across its face an addition of the words "and company," or any abbreviation thereof, between two parallel transverse lines, or of two parallel transverse lines simply, and either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed generally. General and special crossings.

Where a cheque bears across its face an addition of the name of a banker, either with or without the words "not negotiable," that addition shall be deemed a crossing, and the cheque shall be deemed to be crossed specially, and to be crossed to that banker.

5. Where a cheque is uncrossed, a lawful holder may cross it generally or specially. Crossing after issue.